

**Blewett, Catherine**

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**From:** Tremblay, Christyne (NRCAN/RNCAN) <christyne.tremblay@canada.ca>  
**Sent:** April-02-18 10:27 AM  
**To:** Blewett, Catherine; Keenan, Michael (Ext.); Lucas, Stephen (EC); Pham, Thao (TC);  
Rascanin, Natasha; Fox, Christiane; Drouin, Nathalie G. (DM/SM); Hutchinson, Jeffery;  
O'Leary, Alison  
**Cc:** Khosla, Jay (NRCan/RNCan); Des Rosiers, Frank (NRCan/RNCan); Hubbard, Terence  
(NRCan/RNCan); Jennings, Philip (NRCAN/RNCAN); Varangu, Kristi (NRCan/RNCan);  
Sloan, Naina (NRCAN/RNCAN); Labonté, Jeff (NRCan/RNCan); Johnson, Mollie  
(NRCAN/RNCAN)  
**Subject:** Federal summary document for review and comment  
**Attachments:** RDIMS-#13926633-v10-BC\_POLICY\_INTENTIONS\_PAPER\_-\_SUMMARY DM version2.doc  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Sorry, the updated summary was not attached to my previous email.  
Christyne

## **GOVERNMENT OF CANADA ACTIVITIES RELATED TO SPILL MANAGEMENT**

### **OVERVIEW**

Canada is a trading nation, and our coastlines and transportation systems are essential to the economy. The Government of Canada believes that Canadians want and deserve a clean environment and a strong economy.

The Government of Canada recognizes the importance of infrastructure development to access new and growing markets for our natural resources and has been clear that this should be done in a sustainable manner that protects Canada's rich environment, respects the rights and treaties of Indigenous Peoples of Canada, and supports the resilience of our natural resource industries.

In the context of spill management, Canada has world-leading regimes for prevention, preparedness, and response for the transportation of hydrocarbons, and these continue to be advanced and improved. They include comprehensive liability and compensation systems to minimize impacts and ensure Canadians and the environment are protected from costs and damages. The comprehensive regime is supported by extensive scientific research and evidence-based decision making. The Government of Canada's historic investment of \$1.5 billion in the national Oceans Protection Plan demonstrates the commitment to enhance measures to protect the environment and our coasts.

British Columbia's effort to close gaps in its provincial systems is supported by the Government of Canada. We will continue to work in partnership with British Columbia and contribute to its the Province's process in the interest of British Columbians and all Canadians as we work toward a complementary provincial/federal system. It will be essential for British Columbia's initiatives to complement and integrate well with the existing robust federal systems for spill prevention, preparedness, and response for the transportation of hydrocarbons. Alignment with federal jurisdiction for railways, the transportation of dangerous goods, pipelines and the marine sector is essential to avoid unnecessary duplication between regimes, to ensure consistency with Canada's international obligations, and, most importantly, to minimize the risk of confusion among regulated parties, responders and stakeholders which could compromise spill response and undermine public confidence.

The Government of Canada will continue to exercise its jurisdiction for railways, the transportation of dangerous goods, pipelines, and the marine sector in a way that considers the benefits to Canadians across the country. The Government of Canada is unequivocal that, while British Columbia can legislate to ensure their-its provincial interests are addressed, any provincial regulation or legislation enacted by British Columbia needs to respect federal jurisdiction.

### **OIL SPILL RESPONSE SCIENCE AND RESEARCH**

The Government of Canada has been conducting scientific research to support oil spill response for over four decades in partnership with International organizations, other government agencies, industry and academics. This research has ranged from toxicological tests in the laboratory to field trials and evaluations of response technology. We continue to

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**DRAFT**

March 29, 2018

increase our investments in science and research initiatives aimed at improving the security of transport of oil products, spill recovery, and response.

Since 2012, the Government of Canada has been conducting various studies to determine the fate, behaviour, potential impacts, and effectiveness of response techniques on a variety of heavy oil products. In particular, research on the behaviour of diluted bitumen has been substantially expanded, and this work is continuing with further investments under the Oceans Protection Plan.

These collective efforts have resulted in a wide-ranging suite of studies, which are peer reviewed domestically and internationally, and have advanced scientific understanding. They have and helped make informed decisions for major projects, such as oil transportation technologies like oil tankers, pipelines and rail.

Research undertaken by federal government scientists has improved our understanding of the fate and behaviour of a number of diluted bitumen products should they spill into marine or fresh waters. This research has contributed to an increased understanding of issues such as the physical and chemical properties of fresh and weathered diluted bitumen, interactions with sediments and shoreline materials, the applicability of certain countermeasures to respond to diluted bitumen spills; shoreline characterization; and penetration and retention of diluted bitumen on shorelines.

Through this ongoing work, we are the Government of Canada is better able to better predict the fate and behaviour of spilled petroleum products (both conventional and non-conventional), and to better understand the effectiveness of specific response tools. This knowledge, coupled with hydrodynamic models, can help to track oil particle dispersion into the water column, thereby informing oil spill contingency planning, environmental assessments and monitoring. This knowledge is also used by spill response personnel to place equipment strategically to protect vulnerable shorelines and to guide responders to determine the best response plan and use effective spill response technologies.

## **FEDERAL REGIMES RELATED TO PREVENTION AND RESPONSE**

The *Railway Safety Act*, the *Pipeline Safety Act*, the *National Energy Board Act*, the *Canada Shipping Act, 2001*, the *Marine Liability Act*, as well as the *Canadian Environmental Protection Act, 1999*, establish a comprehensive world-leading federal regime in Canada related to the transportation of hydrocarbons and dangerous goods.

The highest safety and security standards are in place in all modes of transportation to prevent incidents and accidents, while enabling rapid, science-based planning and response actions in the unlikely event of a spill.

This robust federal system is built on the "polluter pays" principle, whereby the industry transporting the product is responsible for costs related to cleanup and pollution damage. Further, a world-leading suite of liability and compensation measures is in place, addressing activities under federal jurisdiction and protecting Canadians from damages and costs associated with spills.

### **Pipelines**

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The Government of Canada's primary objective for pipeline safety is the prevention of incidents, but we have also established a world-leading preparedness and response regime system for application in the unlikely event an incident occurs. This includes a comprehensive liability and compensation regime to ensure Canadians are protected from costs and damages and that the environment is protected. Many new or enhanced measures were introduced as part of the *Pipeline Safety Act, 2016*, which amended the *National Energy Board Act*.

On prevention, for example, new measures focus on creating a culture focused on safety. We updated and strengthened rules relating to activities around pipelines; implemented Administrative Monetary Penalties; doubled the number of compliance audits; increased inspections by 50%; and, made available public the National Energy Board's report on the availability and use of best available technologies in pipeline construction and operations. We have also provided close to \$65 million in new funding (over five years) to fund the Indigenous Advisory and Monitoring Committees for the Trans Mountain Expansion project to involve Indigenous Peoples of Canada in the ongoing monitoring of the environmental, safety and socio-economic issues over the full lifecycle of the project.

On preparedness and response, clear and comprehensive regulatory requirements exist supported by rigorous regulatory oversight. The *National Energy Board Act* (and associated regulations) require regulated companies to have a comprehensive Emergency Management Program in place and this must include consideration of potential effects on any potentially impacted area (such as marine and freshwater environments). The National Energy Board (NEB) can also establish requirements for a Geographic Response Plan. In any case, Companies must involve local communities, including Indigenous communities, in planning and operations. This includes liaison and collaboration between the company and potentially affected communities and first responders for response planning, as well as response training, exercises and continuing education. Companies are also required to hold a minimum level of financial resources to be able to respond quickly. In an exceptional circumstance where a company is unable or unwilling to respond, the NEB would have the authority to assume control of incident response upon designation of a company by the Governor in Council. The Government of Canada would provide an interim financial backstop that would be 100% cost-recovered from industry.

Pipeline operators have always had unlimited liability when at fault or negligent, making them responsible for the costs and damages caused by spills. The *Pipeline Safety Act, 2016*, built on this by setting out absolute liability (\$1 billion in the case of operators of major oil pipelines with other limits to be set out in regulations) so that no determination of fault or negligence is required before action is taken to respond to a spill. Companies must have to demonstrate they have the financial resources to match this absolute liability amount. Companies are responsible, by law, for all costs associated with an incident. This includes all actual losses or damages incurred by any person; the costs and expenses reasonably incurred by the Crown (federal or provincial) or any Indigenous governing body; and loss of non-use value relating to a public resource such as a national park or eco-system. Together, these measures ensure that polluters pay and that Canadians and taxpayers are fully protected from any costs related to spills. Such measures are key to creating a culture focused on safety.

A concrete demonstration of the Government of Canada's commitment to safe and secure pipeline operations is federal approval of the Trans Mountain Expansion Project that was subject to over 150 conditions, as set out in the NEB Report, including related to mitigating the risk and impact of oil spills. For example, Conditions attached to the Trans Mountain Expansion Pipeline (TMX) approval specifically require Trans Mountain to consider response times and



geographic response plans as part of its emergency response planning; to file updates on the enhancements already implemented in its Emergency Management Program; to file an Emergency Preparedness and Response Exercise and Training Program; and, to complete a full-scale emergency response exercise for specific scenarios, including a diluted bitumen release into Burrard Inlet as a result of a release from the Westridge Marine Terminal. The NEB's exercise evaluations will be made publically available on its website.

## **Marine Sector**

Canada's marine regulatory regime is built on international and domestic cooperation and standards. The ship-source oil spill preparedness and response system has served Canada well since it was established in the mid-90s and continues to be improved through new legislation and major investments, such as the Oceans Protection Plan, with specific investments targeted to prevention and response measures.

The national ship-source oil spill regime is comprised of three key areas: prevention, preparedness and response, and liability and compensation. This world-leading regime has its foundation in international obligations and is established domestically through legislation. Transport Canada is the regulator responsible for ensuring the regime is comprehensive and aligned with other transportation regimes across the country and internationally. The Canadian Coast Guard is the on-water operator to ensure responses to marine incidents are effective, efficient and appropriate. Through the Oceans Protection Plan, the Government of Canada has invested \$200M to modernize the Canadian Coast Guard's environmental response equipment to employ the latest technology.

Similar to the other systems in Canada, the ship-source oil spill response system is built on the "polluter pays" principle making polluters responsible for spills in Canadian waters. The Government of Canada continues to make improvements to the *Ship-Source Oil Pollution Fund* to ensure unlimited industry-funded compensation is made available to those affected by ship-source and mystery-source spills.

Canada also has clear requirements related to response planning. Ship-owners are required to have plans in place which detail their response efforts should an on-water spill occur. Ship-owners are also responsible for having agreements with certified Response Organization who provide oil spill response services on behalf of the polluter. These plans include the identification of their Geographic Area of Response, and the response capacity is certified by Transport Canada.

In addition to existing requirements, the Government is improving collaborative Regional Response Planning under the Oceans Protection Plan. A key component of Regional Response Planning is to integrate existing marine planning and management mechanisms, and highlights the benefit for the Government of Canada and the Province of British Columbia to continue aligning respective efforts.

## **Railways**

Under the *Railway Safety Act*, railway companies are responsible for the safety of their rail line infrastructure, railway equipment, and operations. This includes ongoing inspections, testing, and maintenance programs in accordance with regulatory requirements, as well as any particular operating and environmental conditions.

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Transport Canada's role is to monitor railway companies for compliance with rules, regulations, and standards through audits and safety inspections. The department conducts approximately 33,000 oversight activities, including audits and inspections every year.

The Government of Canada has taken concrete steps to strengthen the rail safety regime in Canada through regulatory and legislative reform, including lowering speed limits on trains transporting dangerous goods through municipalities; implementing requirements which provide municipalities with information about dangerous goods travelling through their communities; introducing new rules on train securement; and, effective June 2015, the *Railway Safety Act* provides the Minister of Transport and inspectors new powers to order railway companies to take corrective measures when safety is found to be an issue.

Canada's rail liability and compensation regime is already robust, and establishes important measures such as minimum levels of insurance for rail operators. This regime continues to be improved through amendments to the *Canada Transportation Act*.

**Dangerous Goods**

The movement of dangerous goods is indispensable to our modern way of life, and transport occurs across Canada by road, rail, water, and air. The Government of Canada has a robust compliance and response program that requires dangerous goods to be properly classified and transported in the appropriate means of containment.

The program also sets out the parameters for *Emergency Response Assistance Plans* for anyone transporting or importing dangerous goods. As part of the *Emergency Response Assistance Plan* application and approval process, the geographical area covered by the plan must be provided, and can include all of Canada, a specific province or other area. These plans also include "Tiered Response" timeframes, which must be adhered to by responders.

These requirements extend to the marine environment, through requirements to properly classify, contain, and label dangerous goods for transport. As well as reporting requirements if a release or anticipated release of dangerous goods could endanger public safety, property or the environment.


The Government of Canada continues to work to strengthen its oversight and preparedness program for dangerous goods, including through recent regulatory amendments.

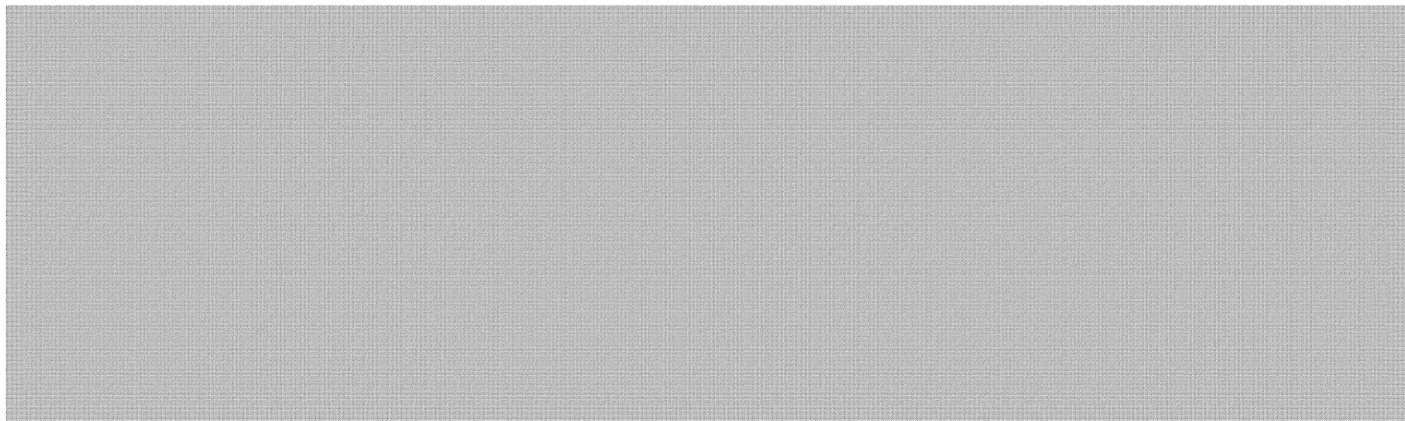
[Propose that a strong conclusion be added to this summary piece, along following lines]

The Government of Canada takes its responsibilities seriously to ensure a strong economy and a clean environment go hand-in-hand for the benefit of all Canadians. Canada is internationally recognized as a sound place to invest, and getting our resources to global markets is critical for creating good middle-class jobs. We stand by our commitments to British Columbians and all Canadians to implement world-leading measures to protect the environment and our coasts. The prevention, preparedness, response, liability and compensation measures that we have advanced ensure that Canada maintains the highest safety and security standards in all modes of transportation.

**Blewett, Catherine**

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**From:** Lucas, Stephen (EC) <stephen.lucas@canada.ca>  
**Sent:** April-02-18 6:15 PM  
**To:** Christiane Fox; John Hannaford  
**Cc:** Tremblay, Christyne (NRCAN/RNCAN); Keenan, Michael (Ext.); Blewett, Catherine  
**Subject:** Fw: Trans-Mountain  
**Attachments:**  s.15(1)(I.A.)  
s.21(1)(b)  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed



**Pages 8 to / à 9**  
**are withheld pursuant to sections**  
**sont retenues en vertu des articles**

**21(1)(b), 15(1)(I.A.), 21(1)(a)**

**of the Access to Information Act**  
**de la Loi sur l'accès à l'information**

**Blewett, Catherine**

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**From:** Fox, Christiane <Christiane.Fox@pco-bcp.gc.ca>  
**Sent:** April-02-18 6:29 PM  
**To:** Lucas, Stephen (EC); Hannaford, John  
**Cc:** Tremblay, Christyne (NRCAN/RNCAN); Keenan, Michael (Ext.); Blewett, Catherine  
**Subject:** Re: Trans-Mountain

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

I was not aware but will take a look at current draft.  
Thanks Stephen.  
Chris

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Lucas, Stephen (EC)

Sent: Monday, April 2, 2018 6:16 PM

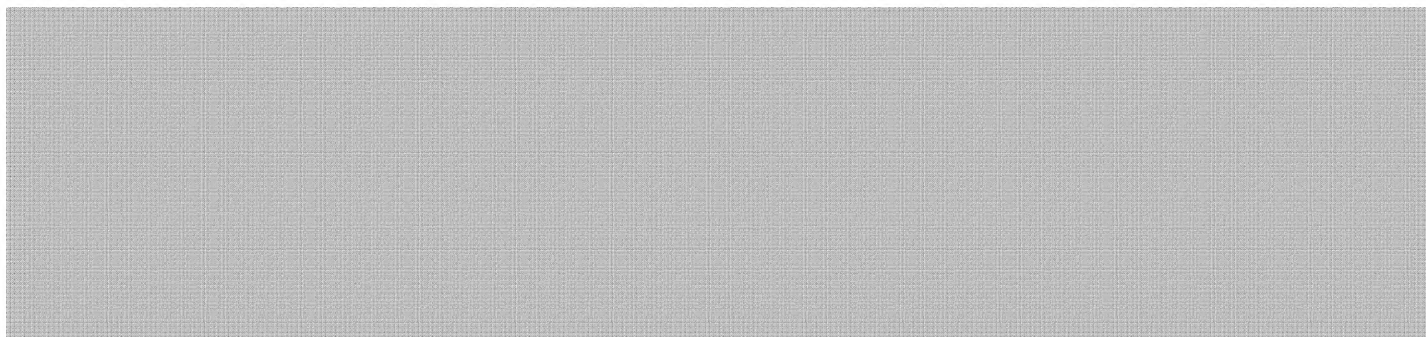
To: Fox, Christiane; Hannaford, John

s.15(1)(I.A.)

Cc: Tremblay, Christyne (NRCAN/RNCAN); Keenan, Michael (Ext.); 'Blewett, Catherine'

s.21(1)(b)

Subject: Fw: Trans-Mountain



**Johal, Sharan**

---

**From:** Webb, Cheryl  
**Sent:** April-03-18 10:05 AM  
**To:** Reid, Rebecca; Winfield, Nicholas  
**Cc:** Sandgathe, Tracey L  
**Subject:** FW: [REDACTED] s.15(1)(I.A.)  
**Attachments:** [REDACTED] s.21(1)(b)

Rebecca/Nick, FYI, Tracey and I have been providing input into a letter [REDACTED]  
[REDACTED] I see below that a draft of that letter may have been shared today with our DM, and I wanted to make you aware of our involvement.

I have attached a copy of the most recent version of the letter (which is likely different that the one circulated to DMs, as changes were made this morning).

Cheryl

**From:** Aaron.Annable@international.gc.ca [mailto:Aaron.Annable@international.gc.ca]  
**Sent:** Tuesday, April 3, 2018 9:54 AM  
**To:** darcy.cornu@canada.ca; andres.velezguerra@canada.ca; desiree.sauve@tc.gc.ca; Webb, Cheryl <Cheryl.Webb@dfo-mpo.gc.ca>; Marc.Tessier@international.gc.ca  
**Subject:** RE: [REDACTED]

Just as a heads up: I understand from ECCC that a draft of the letter was sent up to Stephen Lucas, who has since shared it with other "unspecified" deputies. Additional feedback may be forthcoming via that exchange.

**From:** Annable, Aaron -WSHDC -EN  
**Sent:** April-03-18 11:51 AM  
**To:** Fabi, Sylvain -NGB; 'Webb, Cheryl'; darcy.cornu@canada.ca; andres.velezguerra@canada.ca; daniel.hallman@canada.ca; desiree.sauve@tc.gc.ca; White, Andrea; Cronin, Niall -NNB; Raiche, Vincent -NNB; Minotti, Felicia -NGB; Tessier, Marc -NGB; Jeremy.Adler@pco-bcp.gc.ca  
**Cc:** McCormick, Rachel -WSHDC -EN; Kerr, Robert -SEATL -GR  
**Subject:** RE: [REDACTED]

Ok thanks. We will replace the sentence:

[REDACTED]

with

[REDACTED]

**From:** Fabi, Sylvain -NGB  
**Sent:** April-03-18 11:45 AM  
**To:** 'Webb, Cheryl'; Annable, Aaron -WSHDC -EN; darcy.cornu@canada.ca; andres.velezguerra@canada.ca; daniel.hallman@canada.ca; desiree.sauve@tc.gc.ca; White, Andrea; Cronin, Niall -NNB; Raiche, Vincent -NNB; Minotti, Felicia -NGB; Tessier, Marc -NGB; Jeremy.Adler@pco-bcp.gc.ca



**Cc:** McCormick, Rachel -WSHDC -EN; Kerr, Robert -SEATL -GR

**Subject:** RE: [REDACTED]

If I can chime in [REDACTED]

[REDACTED] I would remove that mention.

My two cents,

s.15(1)(I.A.)

SF

s.21(1)(a)

s.21(1)(b)

**From:** Webb, Cheryl [<mailto:Cheryl.Webb@dfo-mpo.gc.ca>]

**Sent:** April-03-18 11:35 AM

**To:** Annable, Aaron -WSHDC -EN; [darcy.cornu@canada.ca](mailto:darcy.cornu@canada.ca); [andres.velezguerra@canada.ca](mailto:andres.velezguerra@canada.ca); [daniel.hallman@canada.ca](mailto:daniel.hallman@canada.ca); [desiree.sauve@tc.gc.ca](mailto:desiree.sauve@tc.gc.ca); White, Andrea; Cronin, Niall -NNB; Raiche, Vincent -NNB; Fabi, Sylvain -NGB; Minotti, Felicia -NGB; Tessier, Marc -NGB; [Jeremy.Adler@pco-bcp.gc.ca](mailto:Jeremy.Adler@pco-bcp.gc.ca)

**Cc:** McCormick, Rachel -WSHDC -EN; Kerr, Robert -SEATL -GR

**Subject:** RE: [REDACTED]

Hi Aaron, further to our comments from last week, [REDACTED]

Cheryl

**From:** [Aaron.Annable@international.gc.ca](mailto:Aaron.Annable@international.gc.ca) [<mailto:Aaron.Annable@international.gc.ca>]

**Sent:** Tuesday, April 3, 2018 8:24 AM

**To:** [darcy.cornu@canada.ca](mailto:darcy.cornu@canada.ca); [andres.velezguerra@canada.ca](mailto:andres.velezguerra@canada.ca); [daniel.hallman@canada.ca](mailto:daniel.hallman@canada.ca); [desiree.sauve@tc.gc.ca](mailto:desiree.sauve@tc.gc.ca); White, Andrea <[Andrea.White@dfo-mpo.gc.ca](mailto:Andrea.White@dfo-mpo.gc.ca)>; Webb, Cheryl <[Cheryl.Webb@dfo-mpo.gc.ca](mailto:Cheryl.Webb@dfo-mpo.gc.ca)>; [Niall.Cronin@international.gc.ca](mailto:Niall.Cronin@international.gc.ca); [vincent.raiche@international.gc.ca](mailto:vincent.raiche@international.gc.ca); [Sylvain.Fabi@international.gc.ca](mailto:Sylvain.Fabi@international.gc.ca); [Felicia.Minotti@international.gc.ca](mailto:Felicia.Minotti@international.gc.ca); [Marc.Tessier@international.gc.ca](mailto:Marc.Tessier@international.gc.ca); [Jeremy.Adler@pco-bcp.gc.ca](mailto:Jeremy.Adler@pco-bcp.gc.ca)

**Cc:** [Rachel.McCormick@international.gc.ca](mailto:Rachel.McCormick@international.gc.ca); [Robert.Kerr@international.gc.ca](mailto:Robert.Kerr@international.gc.ca)

**Subject:** RE: [REDACTED]

Colleagues,

The attached draft incorporates all feedback received to date. Unless there are any inaccuracies, we will submit [REDACTED]

Thanks,  
Aaron

**From:** Annable, Aaron -WSHDC -EN

**Sent:** March-29-18 2:44 PM

**To:** 'Cornu, Darcy (NRCAN/RNCAN)'; 'Velez Guerra, Andres (NRCAN/RNCAN)'; 'Hallman, Daniel (EC)'; 'Sauvé, Désirée'; White, Andrea; 'Webb, Cheryl'; Cronin, Niall -NNB; Raiche, Vincent -NNB; Fabi, Sylvain -NGB; Minotti, Felicia -NGB; Tessier, Marc -NGB; Adler, Jeremy

**Cc:** McCormick, Rachel -WSHDC -EN; Loken, Martin -WSHDC -GR; Kerr, Robert -SEATL -GR

**Subject:** [REDACTED]

Colleagues,

Thank you all for your input on the draft [REDACTED] As we await a few remaining comments, [REDACTED]

Once we receive the remainder of OGD input, I will incorporate his comments and circulate the updated version to all – likely on Monday.

Thanks & good long weekend,  
Aaron

**Aaron Annable**

Counsellor (energy) | Conseiller (énergie)  
Embassy of Canada | Ambassade du Canada  
501 Pennsylvania Avenue N.W.  
Washington, D.C. 20001  
Tel.: 202-682-7741  
[aaron.annable@international.gc.ca](mailto:aaron.annable@international.gc.ca)

**s.15(1)(I.A.)**

**s.21(1)(b)**

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**21(1)(b), 15(1)(I.A.), 21(1)(a)**

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## Stewart, Julie

---

**From:** Winfield, Nicholas  
**Sent:** Tuesday, April 3, 2018 2:18 PM  
**To:** Stewart, Julie; Marquis, Hélène  
**Cc:** Comeau, Serena  
**Subject:** FW: [REDACTED]  
**Attachments:** [REDACTED] s.15(1)(I.A.)  
s.21(1)(b)

FYI

**From:** Webb, Cheryl  
**Sent:** Tuesday, April 3, 2018 1:05 PM  
**To:** Reid, Rebecca <Rebecca.Reid@dfo-mpo.gc.ca>; Winfield, Nicholas <Nicholas.Winfield@dfo-mpo.gc.ca>  
**Cc:** Sandgathe, Tracey L <Tracey.Sandgathe@dfo-mpo.gc.ca>  
**Subject:** FW: [REDACTED]

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**Subject:** RE: [REDACTED]

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**From:** Aaron.Annable@international.gc.ca [<mailto:Aaron.Annable@international.gc.ca>]

**Sent:** Tuesday, April 3, 2018 8:24 AM

**To:** [darcy.cornu@canada.ca](mailto:darcy.cornu@canada.ca); [andres.velezguerra@canada.ca](mailto:andres.velezguerra@canada.ca); [daniel.hallman@canada.ca](mailto:daniel.hallman@canada.ca); [desiree.sauve@tc.gc.ca](mailto:desiree.sauve@tc.gc.ca); White, Andrea <[Andrea.White@dfo-mpo.gc.ca](mailto:Andrea.White@dfo-mpo.gc.ca)>; Webb, Cheryl <[Cheryl.Webb@dfo-mpo.gc.ca](mailto:Cheryl.Webb@dfo-mpo.gc.ca)>; [Niall.Cronin@international.gc.ca](mailto:Niall.Cronin@international.gc.ca); [vincent.raiche@international.gc.ca](mailto:vincent.raiche@international.gc.ca); [Sylvain.Fabi@international.gc.ca](mailto:Sylvain.Fabi@international.gc.ca); [Felicia.Minotti@international.gc.ca](mailto:Felicia.Minotti@international.gc.ca); [Marc.Tessier@international.gc.ca](mailto:Marc.Tessier@international.gc.ca); [Jeremy.Adler@pco-bcp.gc.ca](mailto:Jeremy.Adler@pco-bcp.gc.ca)

**Cc:** [Rachel.McCormick@international.gc.ca](mailto:Rachel.McCormick@international.gc.ca); [Robert.Kerr@international.gc.ca](mailto:Robert.Kerr@international.gc.ca)

**Subject:** RE: [REDACTED]

Colleagues,

The attached draft incorporates all feedback received to date. Unless there are any inaccuracies, we will submit [REDACTED]

Thanks,  
Aaron

**From:** Annable, Aaron -WSHDC -EN

**Sent:** March-29-18 2:44 PM

**To:** 'Cornu, Darcy (NRCAN/RNCAN)'; 'Velez Guerra, Andres (NRCAN/RNCAN)'; 'Hallman, Daniel (EC)'; 'Sauvé, Désirée'; White, Andrea; 'Webb, Cheryl'; Cronin, Niall -NNB; Raiche, Vincent -NNB; Fabi, Sylvain -NGB; Minotti, Felicia -NGB; Tessier, Marc -NGB; Adler, Jeremy

**Cc:** McCormick, Rachel -WSHDC -EN; Loken, Martin -WSHDC -GR; Kerr, Robert -SEATL -GR

**Subject:** [REDACTED]

Colleagues,

Thank you all for your input on the draft [REDACTED] As we await a few remaining comments, [REDACTED]  
[REDACTED]

Once we receive the remainder of OGD input, I will incorporate his comments and circulate the updated version to all – likely on Monday.

Thanks & good long weekend,  
Aaron

s.15(1)(I.A.)

s.21(1)(b)

**Aaron Annable**

Counsellor (energy) | Conseiller (énergie)  
Embassy of Canada | Ambassade du Canada  
501 Pennsylvania Avenue N.W.  
Washington, D.C. 20001  
Tel.: 202-682-7741  
[aaron.annable@international.gc.ca](mailto:aaron.annable@international.gc.ca)



**From:** Winfield, Nicholas  
**Sent:** April-03-18 10:58 AM  
**To:** Wheatley, Michelle; Marquis, H  l  ne; Harber, Lee  
**Cc:** Fagan, Ashley; Lyen, Ron; Smith, Kathleen; Silverstein, Adam  
**Subject:** Re: Urgent: OPP - PM visit to BC next week

000019

Hélène

**De :** Wheatley, Michelle

**Envoyé :** 3 avril 2018 08:58

**À :** Harber, Lee <Lee.Harber@dfo-mpo.gc.ca>; Winfield, Nicholas <Nicholas.Winfield@dfo-mpo.gc.ca>

**Cc :** Marquis, Hélène <Helene.Marquis@dfo-mpo.gc.ca>; Fagan, Ashley <Ashley.Fagan@dfo-mpo.gc.ca>

**Objet :** RE: Urgent: OPP - PM visit to BC next week

Nick

Thanks for your input so far. We would appreciate it if there is an example you can provide for this, as noted by Lee below.

Thanks!

Michelle

***Dr. Michelle Wheatley***

Director General, Delivery and Results

Fisheries and Oceans Canada / Government of Canada

Michelle.Wheatley@dfo-mpo.gc.ca / Tel: 613-990-9977

Directrice générale, Bilan et résultats

Pêches et Océans Canada / Gouvernement du Canada

Michelle.Wheatley@dfo-mpo.gc.ca / Tél: 613-990-9977

**From:** Harber, Lee

**Sent:** March 29, 2018 7:22 PM

**To:** Winfield, Nicholas <Nicholas.Winfield@dfo-mpo.gc.ca>; Wheatley, Michelle <Michelle.Wheatley@dfo-mpo.gc.ca>

**Cc:** Marquis, Hélène <Helene.Marquis@dfo-mpo.gc.ca>; Fagan, Ashley <Ashley.Fagan@dfo-mpo.gc.ca>

**Subject:** RE: Urgent: OPP - PM visit to BC next week

Hi Nick,

We really appreciate the input on this request. If possible, I was hoping you could also provide a specific example of a meeting or engagement type activity that was held the province of B.C. regarding any of the CRF projects. We have pretty much all that we need for this part of the note, however ideally we would like to include an example that demonstrates provincial engagement.

Thanks again,

Lee

**From:** Winfield, Nicholas

**Sent:** 2018-March-29 1:00 PM

**To:** Wheatley, Michelle; Harber, Lee

**Cc:** Marquis, Hélène; Fagan, Ashley

**Subject:** FW: Urgent: OPP - PM visit to BC next week

**Importance:** High

As requested.

Note that some projects have already been announced but many have not.

We raised this with MinO last week and they are well aware and have been working with Comms who confirmed this morning that they were working on this. They also received this information last week.

I appreciate you are engaged via the OPP lens. It would be good to connect Comms into this in future requests as I suspect there are multiple taskings.

Nicholas Winfield

Director General | Directeur Général  
Ecosystems Management | Gestion des écosystèmes  
Aquatic Ecosystems Sector | Secteur des Écosystèmes aquatiques  
Fisheries and Oceans Canada | Pêches et Océans Canada  
200 Kent Street, Ottawa, Ontario, Canada K1A 0E6  
Tel: (613) 998-9088  
Government of Canada | Gouvernement du Canada

**From:** Harber, Lee  
**Sent:** Thursday, March 29, 2018 11:09 AM  
**To:** Winfield, Nicholas <[Nicholas.Winfield@dfo-mpo.gc.ca](mailto:Nicholas.Winfield@dfo-mpo.gc.ca)>  
**Cc:** Marquis, Hélène <[Helene.Marquis@dfo-mpo.gc.ca](mailto:Helene.Marquis@dfo-mpo.gc.ca)>; Wheatley, Michelle <[Michelle.Wheatley@dfo-mpo.gc.ca](mailto:Michelle.Wheatley@dfo-mpo.gc.ca)>  
**Subject:** Urgent: OPP - PM visit to BC next week  
**Importance:** High

Hi Nick,

The DM has asked for materials to provide to PCO to support the PM's trip to BC next week where he will be meeting with BC Premiers.

I was hoping you could provide material for CRF regarding where we are working with the Province of BC on this OPP initiative. Also which Indigenous groups have been engaged.

The deadline is for noon today so if you have any off the shelf materials that we could use that would be much appreciated.

Thank you  
Lee

**Lee Harber**  
Senior Analyst | Analyste Principale  
Delivery and Results | Livraison et Résultats  
Fisheries and Oceans Canada | Pêches et Océans Canada  
200 Kent St, Ottawa, ON, K1A 0E6  
(613) 797-5146



Fisheries and Oceans  
Canada

## Blewett, Catherine

---

**From:** Lucas, Stephen (EC) <stephen.lucas@canada.ca>  
**Sent:** April-03-18 2:03 PM  
**To:** Keenan, Michael (Ext.); Tremblay, Christyne (NRCAN/RNCAN); Christiane Fox; John Hannaford  
**Cc:** Blewett, Catherine; Berard, Isabelle (EC)  
**Subject:** Re: Trans-Mountain

**Follow Up Flag:** Follow up  
**Flag Status:** Completed s.15(1)(I.A.)  
s.21(1)(b)

Thanks - coming this pm?

Stephen Lucas, Ph.D.

Original Message

**From:** Keenan, Michael (Ext.)  
**Sent:** Tuesday, April 3, 2018 1:41 PM  
**To:** Tremblay, Christyne (NRCAN/RNCAN); Lucas, Stephen (EC); Christiane Fox; John Hannaford  
**Cc:** Catherine Blewett; Berard, Isabelle (EC)  
**Subject:** Re: Trans-Mountain

Michael Keenan  
Deputy Minister - Sous-ministre  
Transport Canada -Transports Canada  
1-613-990-4507  
[michael.keenan@tc.gc.ca](mailto:michael.keenan@tc.gc.ca)  
**From:** Tremblay, Christyne (NRCAN/RNCAN)  
**Sent:** Tuesday, April 3, 2018 12:59 PM  
**To:** Lucas, Stephen (EC); Christiane Fox; John Hannaford  
**Cc:** Keenan, Michael; Catherine Blewett; Berard, Isabelle (EC)  
**Subject:** Re: Trans-Mountain

Hello Steve,

Thanks,  
Christyne

Sent from my BlackBerry 10 smartphone on the Rogers network.

**From:** Lucas, Stephen (EC)  
**Sent:** mardi 3 avril 2018 12:26 PM  
**To:** Tremblay, Christyne (NRCAN/RNCAN); Christiane Fox; John Hannaford

Cc: Keenan, Michael (Ext.); Catherine Blewett; Berard, Isabelle (EC)  
Subject: Re: Trans-Mountain

Hi - I am hearing that [REDACTED] I'm happy to coordinate a revised draft if you have comments or changes.

We can touch on it in our call that Chris Fox is convening this pm.

Steve

From: Tremblay, Christyne (NRCAN/RNCAN)  
Sent: Monday, April 2, 2018 8:33 PM  
To: Lucas, Stephen (EC); Christiane Fox; John Hannaford  
Cc: Keenan, Michael (Ext.); 'Blewett, Catherine'  
Subject: Re: Trans-Mountain

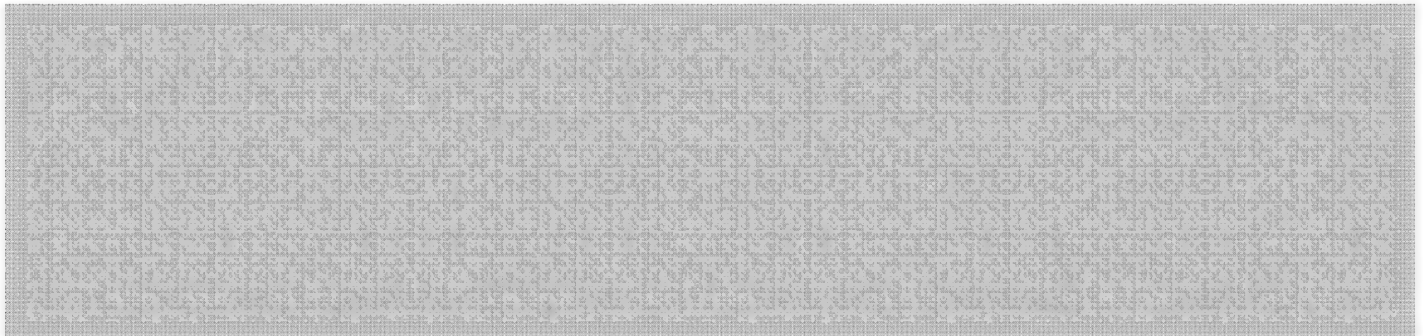
s.15(1)(I.A.)

s.21(1)(b)

Thank you Steve,  
I was not aware of the letter.  
I made a follow up with my team and my MINO to learn more about it.

Christyne

Sent from my BlackBerry 10 smartphone on the Rogers network.  
From: Lucas, Stephen (EC)  
Sent: lundi 2 avril 2018 6:14 PM  
To: Christiane Fox; John Hannaford  
Cc: Tremblay, Christyne (NRCAN/RNCAN); Keenan, Michael (Ext.); 'Blewett, Catherine'  
Subject: Fw: Trans-Mountain



**Blewett, Catherine**

---

**From:** Keenan, Michael <Michael.Keenan@tc.gc.ca>  
**Sent:** April-03-18 2:57 PM  
**To:** Blewett, Catherine; Lucas, Stephen (EC)  
**Cc:** Rascanin, Natasha  
**Subject:** [REDACTED]  
**Attachments:** [REDACTED]

**Follow Up Flag:** Follow up  
**Flag Status:** Completed s.15(1)(I.A.)  
s.21(1)(b)

Catherine, Steve,

Attached is the proposed change in highlights. [REDACTED]  
[REDACTED]

I recognize time is short. Catherine, please feel free to change/revise/add, and send directly to Steve.

Michael

Michael Keenan  
Deputy Minister - Sous-ministre  
Transport Canada - Transports Canada

613-990-4507  
[michael.keenan@tc.gc.ca](mailto:michael.keenan@tc.gc.ca)



**Pages 25 to / à 26**  
**are withheld pursuant to sections**  
**sont retenues en vertu des articles**

**21(1)(b), 15(1)(I.A.), 21(1)(a)**

**of the Access to Information Act**  
**de la Loi sur l'accès à l'information**

## Blewett, Catherine

**From:** Lucas, Stephen (EC) <stephen.lucas@canada.ca>  
**Sent:** April-03-18 10:17 PM  
**To:** Keenan, Michael (Ext.); Christiane Fox; Tremblay, Christyne (NRCAN/RNCAN); Blewett, Catherine  
**Cc:** Mullin, Patrick (EC); Berard, Isabelle (EC); John Hannaford; Rascenin, Natasha  
**Subject:** Re: [REDACTED]  
**Attachments:** [REDACTED]  
  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi - here's a revised version with input from Mike and Christyne [REDACTED] and input from Jonathan Wilkinson and Minister McKenna.

Chris, John - can you do a final signal check with PMO? Once we have green light, [REDACTED]

Steve

### Original Message

**From:** Keenan, Michael (Ext.)  
**Sent:** Tuesday, April 3, 2018 6:31 PM  
**To:** Lucas, Stephen (EC); Christiane Fox; Tremblay, Christyne (NRCAN/RNCAN); Catherine Blewett  
**Cc:** Mullin, Patrick (EC); Berard, Isabelle (EC); John Hannaford; Rascenin, Natasha  
**Subject:** Re: [REDACTED]

s.15(1)(I.A.)

s.21(1)(b)

s.69(1)(g) re: (a)

We will check quickly.

Michael Keenan  
Deputy Minister - Sous-ministre  
Transport Canada -Transports Canada  
1-613-990-4507  
[michael.keenan@tc.gc.ca](mailto:michael.keenan@tc.gc.ca)

**From:** Lucas, Stephen (EC)  
**Sent:** Tuesday, April 3, 2018 6:14 PM  
**To:** Christiane Fox; Tremblay, Christyne (NRCAN/RNCAN); Catherine Blewett; Keenan, Michael  
**Cc:** Mullin, Patrick (EC); Berard, Isabelle (EC); John Hannaford  
**Subject:** Fw: [REDACTED]

Hi - [REDACTED]  
[REDACTED]

Mike - [REDACTED]

Steve

No information has been removed or severed from this page

**Pages 29 to / à 31  
are withheld pursuant to sections  
sont retenues en vertu des articles**

**21(1)(b), 15(1)(I.A.), 21(1)(a)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

**Blewett, Catherine**

---

**From:** Lucas, Stephen (EC) <stephen.lucas@canada.ca>  
**Sent:** April-04-18 2:57 PM  
**To:** Berard, Isabelle (EC)  
**Cc:** White, Belinda (EC); Christiane Fox; Keenan, Michael (Ext.); Tremblay, Christyne  
(NRCAN/RNCAN); Blewett, Catherine

**Subject:** [REDACTED]

**Attachments:** [REDACTED]

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Pls send [REDACTED] Approved.

s.15(1)(l.A.)

Steve

s.21(1)(b)

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**21(1)(b), 15(1)(I.A.), 21(1)(a)**

**of the Access to Information Act**  
**de la Loi sur l'accès à l'information**



## Malko, Carol

---

**From:** Kahn, Zoe  
**Sent:** Wednesday, April 4, 2018 6:14 PM  
**To:** Malko, Carol  
**Subject:** FW: federal summary document for review and comment  
**Attachments:** RDIMS-#13926633-v10-BC\_POLICY\_INTENTIONS\_PAPER\_-\_SUMMARY DM version2.doc

FYI...

Zoe Kahn  
DMO/CSM  
(613) 993-9226

**From:** Wheatley, Michelle  
**Sent:** Wednesday, April 4, 2018 6:11 PM  
**To:** Kahn, Zoe <Zoe.Kahn@dfo-mpo.gc.ca>  
**Subject:** FW: federal summary document for review and comment

Zoe

This went to Catherine and Jeff (and other OPP DMs) from Transport Canada on Friday (holiday). TC is looking for feedback and then will send out a revised version. The Commissioner did provide some comments over the weekend, asking for some additional beefing up on CCG and his staff have provided that and we have shared with TC. Do you know if Catherine reviewed and if she had any comments?

Thanks  
Michelle

**Dr. Michelle Wheatley**  
Director General, Delivery and Results  
Fisheries and Oceans Canada / Government of Canada  
[Michelle.Wheatley@dfo-mpo.gc.ca](mailto:Michelle.Wheatley@dfo-mpo.gc.ca) / Tel: 613-990-9977

Directrice générale, Bilan et résultats  
Pêches et Océans Canada / Gouvernement du Canada  
[Michelle.Wheatley@dfo-mpo.gc.ca](mailto:Michelle.Wheatley@dfo-mpo.gc.ca) / Tél: 613-990-9977

**From:** Rascanin, Natasha [<mailto:Natasha.Rascanin@tc.gc.ca>]  
**Sent:** March 30, 2018 10:57 AM  
**To:** 'Fox, Christiane' <[Christiane.Fox@pco-bcp.gc.ca](mailto:Christiane.Fox@pco-bcp.gc.ca)>; 'Tremblay, Christyne (NRCAN/RNCAN)' <[christyne.tremblay@canada.ca](mailto:christyne.tremblay@canada.ca)>; Blewett, Catherine <[Catherine.Blewett@dfo-mpo.gc.ca](mailto:Catherine.Blewett@dfo-mpo.gc.ca)>; Hutchinson, Jeffery <[Jeffery.Hutchinson@dfo-mpo.gc.ca](mailto:Jeffery.Hutchinson@dfo-mpo.gc.ca)>; Keenan, Michael <[Michael.Keenan@tc.gc.ca](mailto:Michael.Keenan@tc.gc.ca)>; 'Lucas, Stephen (EC)' <[stephen.lucas@canada.ca](mailto:stephen.lucas@canada.ca)>; 'Drouin, Nathalie G. (DM/SM)' <[Nathalie.G.Drouin@justice.gc.ca](mailto:Nathalie.G.Drouin@justice.gc.ca)>; Pham, Thao <[thao.pham@tc.gc.ca](mailto:thao.pham@tc.gc.ca)>  
**Cc:** 'O'Leary, Alison' <[Alison.O'Leary@pco-bcp.gc.ca](mailto:Alison.O'Leary@pco-bcp.gc.ca)>; 'Jay.khosla@canada.ca' <[jay.khosla@canada.ca](mailto:jay.khosla@canada.ca)>; 'terence.hubbard@canada.ca' <[terence.hubbard@canada.ca](mailto:terence.hubbard@canada.ca)>; Wheatley, Michelle <[Michelle.Wheatley@dfo-mpo.gc.ca](mailto:Michelle.Wheatley@dfo-mpo.gc.ca)>; Melanson, Simon <[Simon.Melanson@dfo-mpo.gc.ca](mailto:Simon.Melanson@dfo-mpo.gc.ca)>; MacDonald, Lori <[Lori.MacDonald@tc.gc.ca](mailto:Lori.MacDonald@tc.gc.ca)>; Hanson, Lawrence <[Lawrence.Hanson@tc.gc.ca](mailto:Lawrence.Hanson@tc.gc.ca)>; Corbin, Claude <[claudette.corbin@tc.gc.ca](mailto:claudette.corbin@tc.gc.ca)>; Sauvé, Désirée

<desiree.sauve@tc.gc.ca>; 'Moffet, John (EC)' <john.moffet@canada.ca>; 'SamanthaMaislin.Dickson@justice.gc.ca' <SamanthaMaislin.Dickson@justice.gc.ca>; Little, Jennifer <jennifer.little@tc.gc.ca>; 'Sloan, Naina (NRCAN/RNCAN)' <naina.sloan@canada.ca>; Dick, Robert <Robert.Dick@tc.gc.ca>

**Subject:** RE: federal summary document for review and comment

With apologies, and to save you a comment on para 4 in the overview section (some words were missing), please use the amended attachment.

Natasha

**From:** Rascanin, Natasha

**Sent:** Friday, March 30, 2018 10:01 AM

**To:** 'Fox, Christiane' <Christiane.Fox@pco-bcp.gc.ca>; 'Tremblay, Christyne (NRCAN/RNCAN)' <christyne.tremblay@canada.ca>; 'Blewett, Catherine' <Catherine.Blewett@dfo-mpo.gc.ca>; 'Hutchinson, Jeffery' <Jeffery.Hutchinson@dfo-mpo.gc.ca>; Keenan, Michael <Michael.Keenan@tc.gc.ca>; 'Lucas, Stephen (EC)' <stephen.lucas@canada.ca>; 'Drouin, Nathalie G. (DM/SM)' <Nathalie.G.Drouin@justice.gc.ca>; Pham, Thao <thao.pham@tc.gc.ca>

**Cc:** 'O'Leary, Alison' <Alison.O'Leary@pco-bcp.gc.ca>; 'jay.khosla@canada.ca' <jay.khosla@canada.ca>; 'terence.hubbard@canada.ca' <terence.hubbard@canada.ca>; 'michelle.wheatley@dfo-mpo.gc.ca' <michelle.wheatley@dfo-mpo.gc.ca>; 'simon.melanson@dfo-mpo.gc.ca' <simon.melanson@dfo-mpo.gc.ca>; MacDonald, Lori <Lori.MacDonald@tc.gc.ca>; Hanson, Lawrence <Lawrence.Hanson@tc.gc.ca>; Corbin, Claude <claudette.corbin@tc.gc.ca>; Sauvé, Désirée <desiree.sauve@tc.gc.ca>; 'Moffet, John (EC)' <john.moffet@canada.ca>; 'SamanthaMaislin.Dickson@justice.gc.ca' <SamanthaMaislin.Dickson@justice.gc.ca>; Little, Jennifer <jennifer.little@tc.gc.ca>; 'Sloan, Naina (NRCAN/RNCAN)' <naina.sloan@canada.ca>; Dick, Robert <Robert.Dick@tc.gc.ca>

**Subject:** federal summary document for review and comment

Good morning,

Attached is the latest draft of the federal overview document aimed at rounding out a complete story to be used during the BC consultations. All departments have input into this version, and your feedback will be very useful at this point.

Note that we are also working on more detailed annexes in support of each of the sections in the overview (science, pipelines, marine, rail, TDG) which will be ready next week. All pieces can be used in various ways, if and as required. Our approach is to tell a complete federal story, with the annexes making crosswalks to the four themes of the BC paper more specifically.

By way of update, yesterday afternoon we reached out to the BC-identified ADM contact, David Morel (Robert Dick, Claude Corbin, Naina Sloan and I were on the call) and covered the following:

1. BC will share the decks (there is a short and a long version) they are using at the consultation sessions, and we can provide input to round out the full context
2. We will have federal participation at the sessions, and Naina is coordinating that process, to maximize efficiency and effectiveness
3. The next planned consultation session is on April 9 with CAPP and with the Pipeline Association; the next Indigenous group session is on April 13, and we have time to get fully ready
4. BC will share participation lists for each of the sessions, and their assessments of which types of issues are likely to be raised by participants
5. As an aside, one consultation session has already taken place, and BC had in fact invited a CCG member to be there; we are getting a debrief on details of the discussions, but heard that it was useful as the individual had been able to correct some misconceptions
6. Further, BC has scheduled regular monthly telecon updates on the process with federal partners

We also proposed, and it was agreed, that we would organize a bilateral FP briefing in BC on April 11 or 12 (tbd). This would involve ADMs and DGs from a variety of BC departments with primarily DGs from Canada, to exchange on the federal context and to further understand the BC approach. The objective is to ensure as much shared understanding and knowledge as possible. At the same time, we will organize some federal-only meetings to ensure those on the regional teams, particularly those who may attend the consultation sessions, have key information needed. Agendas and products for both are being further elaborated now.

Natasha

## **GOVERNMENT OF CANADA ACTIVITIES RELATED TO SPILL MANAGEMENT**

### **OVERVIEW**

Canada is a trading nation, and our coastlines and transportation systems are essential to the economy. The Government of Canada believes that Canadians want and deserve a clean environment and a strong economy.

The Government of Canada recognizes the importance of infrastructure development to access new and growing markets for our natural resources and has been clear that this should be done in a sustainable manner that protects Canada's rich environment, respects the rights and treaties of Indigenous Peoples of Canada, and supports the resilience of our natural resource industries.

In the context of spill management, Canada has world-leading regimes for prevention, preparedness, and response for the transportation of hydrocarbons, and these continue to be advanced and improved. They include comprehensive liability and compensation systems to minimize impacts and ensure Canadians and the environment are protected from costs and damages. The comprehensive regime is supported by extensive scientific research and evidence-based decision making. The Government of Canada's historic investment of \$1.5 billion in the national Oceans Protection Plan demonstrates the commitment to enhance measures to protect the environment and our coasts.

British Columbia's effort to close gaps in its provincial systems is supported by the Government of Canada. We will continue to work in partnership and contribute to the Province's process in the interest of British Columbians and all Canadians as we work toward a complementary provincial/federal system. It will be essential for BC's initiatives to complement and integrate well with the existing robust federal systems for spill prevention, preparedness, and response for the transportation of hydrocarbons. Alignment with federal jurisdiction for railways, the transportation of dangerous goods, pipelines and the marine sector is essential to avoid unnecessary duplication between regimes, to ensure consistency with Canada's international obligations, and, most importantly, to minimize the risk of confusion among responders and stakeholders which could compromise spill response and undermine public confidence.

The Government of Canada will continue to exercise its jurisdiction for railways, the transportation of dangerous goods, pipelines, and the marine sector in a way that considers the benefits to Canadians across the country. The Government of Canada is unequivocal that, while British Columbia can legislate to ensure their provincial interests are addressed, any provincial regulation or legislation enacted needs to respect federal jurisdiction.

### **OIL SPILL RESPONSE SCIENCE AND RESEARCH**

The Government of Canada has been conducting scientific research to support oil spill response for over four decades in partnership with International organizations, other government agencies, industry and academics. This research has ranged from toxicological tests in the laboratory to field trials and evaluations of response technology. We continue to increase our investments in science and research initiatives aimed at improving the security of transport of oil products, spill recovery, and response.

March 29, 2018

Since 2012, the Government of Canada has been conducting various studies to determine the fate, behaviour, potential impacts, and effectiveness of response techniques on a variety of heavy oil products. In particular, research on the behaviour of diluted bitumen has been substantially expanded, and this work is continuing with further investments under the Oceans Protection Plan.

These collective efforts have resulted in a wide-ranging suite of studies, which are peer reviewed domestically and internationally, and have advanced scientific understanding and helped make informed decisions for major projects, such as oil transportation technologies like oil tankers, pipelines and rail.

Research undertaken by federal government scientists has improved our understanding of the fate and behaviour of a number of diluted bitumen products should they spill into marine or fresh waters. This research has contributed to an increased understanding of issues such as the physical and chemical properties of fresh and weathered diluted bitumen, interactions with sediments and shoreline materials, the applicability of certain countermeasures to respond to diluted bitumen spills; shoreline characterization; and penetration and retention of diluted bitumen on shorelines.

Through this ongoing work, the Government of Canada is better able to predict the fate and behaviour of spilled petroleum products (both conventional and non-conventional), and to better understand the effectiveness of specific response tools. This knowledge, coupled with hydrodynamic models, can help to track oil particle dispersion into the water column, thereby informing oil spill contingency planning, environmental assessments and monitoring. This knowledge is also used by spill response personnel to place equipment strategically to protect vulnerable shorelines and to guide responders to determine the best response plan and use effective spill response technologies.

## FEDERAL REGIMES RELATED TO PREVENTION AND RESPONSE

The *Rail Safety Act*, the *Pipeline Safety Act*, the *National Energy Board Act*, the *Canada Shipping Act, 2001*, the *Marine Liability Act*, as well as the *Canadian Environmental Protection Act, 1999*, establish a comprehensive world-leading federal regime in Canada related to the transportation of hydrocarbons and dangerous goods.

The highest safety and security standards are in place in all modes of transportation to prevent incidents and accidents, while enabling rapid, science-based planning and response actions in the unlikely event of a spill.

This robust federal system is built on the "polluter pays" principle, whereby the industry transporting the product is responsible for costs related to cleanup and pollution damage. Further, a world-leading suite of liability and compensation measures is in place, addressing activities under federal jurisdiction and protecting Canadians from damages and costs associated with spills.

### Pipelines

The Government of Canada's primary objective for pipeline safety is the prevention of incidents, but we have also established a world-leading preparedness and response regime for application in the unlikely event an incident occurs. This includes a comprehensive liability and

compensation regime to ensure Canadians are protected from costs and damages and that the environment is protected. Many new or enhanced measures were introduced as part of the *Pipeline Safety Act*, 2016, which amended the *National Energy Board Act*.

On prevention, for example, we updated and strengthened rules relating to activities around pipelines; implemented Administrative Monetary Penalties; doubled the number of compliance audits; increased inspections by 50%, and, made available the National Energy Board's report on the availability and use of best available technologies in pipeline construction and operations. We have also provided close to \$65 million in new funding (over five years) to fund the Indigenous Advisory and Monitoring Committees for the Trans Mountain Expansion project to involve Indigenous Peoples of Canada in the ongoing monitoring of the environmental, safety and socio-economic issues over the full lifecycle of the project.

On preparedness and response, clear and comprehensive regulatory requirements exist supported by rigorous regulatory oversight. The *National Energy Board Act* (and associated regulations) require regulated companies to have a comprehensive Emergency Management Program in place and this must include consideration of potential effects on any potentially impacted area (such as marine and freshwater environments). The National Energy Board (NEB) can also establish requirements for a Geographic Response Plan. In any case, companies must involve local communities, including Indigenous communities, in planning and operations. This includes liaison and collaboration between the company and potentially affected communities and first responders for response planning, as well as response training, exercises and continuing education. Companies are also required to hold a minimum level of financial resources to be able to respond quickly. In an exceptional circumstance where a company is unable or unwilling to respond, the NEB would have the authority to assume control of incident response upon designation of a company by the Governor in Council. The Government of Canada would provide an interim financial backstop that would be 100% cost recovered from industry.

Pipeline operators have always had unlimited liability when at fault or negligent, making them responsible for the costs and damages caused by spills. The *Pipeline Safety Act*, 2016, built on this by setting out *absolute* liability (\$1 Billion in the case of operators of major oil pipelines with other limits to be set out in regulations) so that no determination of fault or negligence is required before action is taken to respond to a spill. Companies have to demonstrate they have the financial resources to match this absolute liability amount. Companies are responsible, by law, for all costs associated with an incident – this includes all actual losses or damages incurred by any person; the costs and expenses reasonably incurred by the Crown (federal or provincial) or any Indigenous governing body; and loss of non-use value relating to a public resource such as a national park or eco-system. Together, these measures ensure that polluters pay and that Canadians and taxpayers are fully protected from any costs related to spills. Such measures are key to creating a culture focused on safety.

## Marine Sector

Canada's marine regulatory regime is built on international and domestic cooperation and standards. The ship-source oil spill preparedness and response system has served Canada well since it was established in the mid-90s and continues to be improved through new legislation and major investments, such as the Oceans Protection Plan, with specific investments targeted to prevention and response measures.

The national ship-source oil spill regime is comprised of three key areas: prevention, preparedness and response, and liability and compensation. This world-leading regime has its foundation in international obligations and is established domestically through legislation. Transport Canada is the regulator responsible for ensuring the regime is comprehensive and aligned with other transportation regimes across the country and internationally. The Canadian Coast Guard is the on-water operator to ensure responses to marine incidents are effective, efficient and appropriate. Through the Oceans Protection Plan, the Government of Canada has invested \$200M to modernize the Canadian Coast Guard's environmental response equipment to employ the latest technology.

Similar to the other systems in Canada, the ship-source oil spill response system is built on the "polluter pays" principle making polluters responsible for spills in Canadian waters. The Government of Canada continues to make improvements to the *Ship-Source Oil Pollution Fund* to ensure unlimited industry-funded compensation is made available to those affected by ship-source and mystery-source spills.

Canada also has clear requirements related to response planning. Ship-owners are required to have plans in place which detail their response efforts should an on-water spill occur. Ship-owners are also responsible for having agreements with certified Response Organization who provide oil spill response services on behalf of the polluter. These plans include the identification of their Geographic Area of Response, and the response capacity is certified by Transport Canada.

In addition to existing requirements, the Government is improving collaborative Regional Response Planning under the Oceans Protection Plan. A key component of Regional Response Planning is to integrate existing marine planning and management mechanisms, and highlights the benefit for the Government of Canada and the Province of British Columbia to continue aligning respective efforts.

## Railways

Under the *Railway Safety Act*, railway companies are responsible for the safety of their rail line infrastructure, railway equipment, and operations. This includes ongoing inspections, testing, and maintenance programs in accordance with regulatory requirements, as well as any particular operating and environmental conditions.

Transport Canada's role is to monitor railway companies for compliance with rules, regulations, and standards through audits and safety inspections. The department conducts approximately 33,000 oversight activities, including audits and inspections every year.

The Government of Canada has taken concrete steps to strengthen the rail safety regime in Canada through regulatory and legislative reform, including lowering speed limits on trains transporting dangerous goods through municipalities; implementing requirements which provide municipalities with information about dangerous goods travelling through their communities; introducing new rules on train securement; and, effective June 2015, the *Railway Safety Act* provides the Minister of Transport and inspectors new powers to order railway companies to take corrective measures when safety is found to be an issue.

Canada's rail liability and compensation regime is already robust, and establishes important measures such as minimum levels of insurance for rail operators. This regime continues to be improved through amendments to the *Canada Transportation Act*.

## **Dangerous Goods**

The movement of dangerous goods is indispensable to our modern way of life, and transport occurs across Canada by road, rail, water, and air. The Government of Canada has a robust compliance and response program that requires dangerous goods to be properly classified and transported in the appropriate means of containment.

The program also sets out the parameters for *Emergency Response Assistance Plans* for anyone transporting or importing dangerous goods. As part of the *Emergency Response Assistance Plan* application and approval process, the geographical area covered by the plan must be provided, and can include all of Canada, a specific province or other area. These plans also include "Tiered Response" timeframes, which must be adhered to by responders.

These requirements extend to the marine environment, through requirements to properly classify, contain, and label dangerous goods for transport. As well as reporting requirements if a release or anticipated release of dangerous goods could endanger public safety, property or the environment.

The Government of Canada continues to work to strengthen its oversight and preparedness program for dangerous goods, including through recent regulatory amendments.



**Schwark, Valerie**

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**From:** Smith, Ken  
**Sent:** April-05-18 4:20 PM  
**To:** Reid, Rebecca; Webb, Cheryl  
**Cc:** Payne, Brigid  
**Subject:** FW: Agendas for BC meetings to discuss BC Policy Intentions Paper  
**Attachments:** RDIMS-#13949831-v1-FEDERAL\_WORKSHOP\_ON\_BC\_INTENTION\_PAPER\_-\_AGENDA\_DAY\_1.DOC; RDIMS-#13945875-v1-FEDERAL-PROVINCIAL\_BC\_MEETING\_-\_AGENDA\_DAY\_2.DOC; RE: federal summary document for review and comment

Hi RR

We have indicated previously that Cheryl would be contact but will let you confirm back with her.

A couple of other comments....It think it will be important that ECCC participate to reinforce their lead env't role. I suspect they will but this might warrant confirmation. And ....where is the inter-dept co-ordination at regional level on this???

Cheers

Ken

**From:** Wheatley, Michelle  
**Sent:** Thursday, April 5, 2018 3:35 PM  
**To:** Reid, Rebecca <[Rebecca.Reid@dfo-mpo.gc.ca](mailto:Rebecca.Reid@dfo-mpo.gc.ca)>; McPherson, Arran <[Arran.McPherson@dfo-mpo.gc.ca](mailto:Arran.McPherson@dfo-mpo.gc.ca)>  
**Cc:** Laverdure, Louise <[Louise.Laverdure@dfo-mpo.gc.ca](mailto:Louise.Laverdure@dfo-mpo.gc.ca)>; Béchar, Geneviève <[Genevieve.Bechar@dfo-mpo.gc.ca](mailto:Genevieve.Bechar@dfo-mpo.gc.ca)>; White, Andrea <[Andrea.White@dfo-mpo.gc.ca](mailto:Andrea.White@dfo-mpo.gc.ca)>; Peramaki, Liisa <[Liisa.Peramaki@dfo-mpo.gc.ca](mailto:Liisa.Peramaki@dfo-mpo.gc.ca)>; Smith, Melannie <[Melannie.Smith@dfo-mpo.gc.ca](mailto:Melannie.Smith@dfo-mpo.gc.ca)>; Melanson, Simon <[Simon.Melanson@dfo-mpo.gc.ca](mailto:Simon.Melanson@dfo-mpo.gc.ca)>; Smith, Ken <[Ken.Smith@dfo-mpo.gc.ca](mailto:Ken.Smith@dfo-mpo.gc.ca)>; Webb, Cheryl <[Cheryl.Webb@dfo-mpo.gc.ca](mailto:Cheryl.Webb@dfo-mpo.gc.ca)>; Williams, Todd <[Todd.Williams@dfo-mpo.gc.ca](mailto:Todd.Williams@dfo-mpo.gc.ca)>; Parker, Mia <[Mia.Parker@dfo-mpo.gc.ca](mailto:Mia.Parker@dfo-mpo.gc.ca)>; Harber, Lee <[Lee.Harber@dfo-mpo.gc.ca](mailto:Lee.Harber@dfo-mpo.gc.ca)>  
**Subject:** FW: Agendas for BC meetings to discuss BC Policy Intentions Paper

As outlined in the attached e-mail from Natasha Rascenin to OPP DMs last Friday, a face-to-face meeting is being planned for Vancouver for April 11-12 (next week) to discuss the BC Policy Intentions Paper. The proposed participants are BC DGs and ADMs and primarily DGs from Government of Canada. The first day would be just the Federal family and the second day would be meeting with BC (draft agendas are attached). CCG will likely be sending two from HQ (from CCG OPP Secretariat and a program director) and two Regional staff (Simon Melanson is coordinating). From the DFO side, the major focus would relate to Oil Spill Response Science and Research and Heather Dettman from NRCAN has agreed to present the Diluted Bitumen deck. I have been in touch with Louise Laverdure and she has suggested that Ken Lee would be the appropriate person to attend from DFO Science. I would suggest a Regional DFO presence would also be appropriate, and by way of this message would suggest either Cheryl Webb or Ken Smith? I am scheduled to be at the Atlantic OPP Committee meetings in Halifax on the 12<sup>th</sup>.

It will be important that the participants be familiar with the draft response to the BC Policy Intention paper. The version distributed to DMs is in the attached e-mail and a revised version is expected shortly. The purpose of the April 11 meeting will be to make sure there is a common GoC approach and all are speaking with one voice and one message. It is possible that some who participate in the meeting on the 11<sup>th</sup>, may not participate in the meeting on the 12<sup>th</sup>.

Please let me know your thoughts on participation. I have cc'd Todd Williams from IGA so that he is in the loop.

I would like to be able to confirm participants to TC tomorrow.

Thanks  
Michelle

***Dr. Michelle Wheatley***

Director General, Delivery and Results  
Fisheries and Oceans Canada / Government of Canada  
[Michelle.Wheatley@dfo-mpo.gc.ca](mailto:Michelle.Wheatley@dfo-mpo.gc.ca) / Tel: 613-990-9977

Directrice générale, Bilan et résultats  
Pêches et Océans Canada / Gouvernement du Canada  
[Michelle.Wheatley@dfo-mpo.gc.ca](mailto:Michelle.Wheatley@dfo-mpo.gc.ca) / Tél: 613-990-9977

**From:** Sauvé, Désirée [<mailto:desiree.sauve@tc.gc.ca>]

**Sent:** April 5, 2018 3:42 PM

**To:** Wheatley, Michelle <[Michelle.Wheatley@dfo-mpo.gc.ca](mailto:Michelle.Wheatley@dfo-mpo.gc.ca)>; Melanson, Simon <[Simon.Melanson@dfo-mpo.gc.ca](mailto:Simon.Melanson@dfo-mpo.gc.ca)>

**Cc:** Corbin, Claude <[claudette.corbin@tc.gc.ca](mailto:claudette.corbin@tc.gc.ca)>

**Subject:** Agendas for BC meetings

As discussed

**Désirée Sauvé**

Director, Regulatory Affairs / Directrice, Affaires réglementaires  
Oceans Protection Plan / Plan de protection des océans  
Transport Canada | Place de Ville (C) 361, Ottawa, Ontario K1A 0N5  
Transports Canada | Place de Ville (C) 361, Ottawa (Ontario) K1A 0N5  
email/courriel [desiree.sauve@tc.gc.ca](mailto:desiree.sauve@tc.gc.ca)  
**telephone/téléphone 613-998-9928**  
Cell/cellulaire : [REDACTED]  
Government of Canada | Gouvernement du Canada

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## **Meeting between the Federal Government and the Province of British Columbia**

**When:** Proposed dates: April 11 and 12 in Vancouver

- Participants would leave Ottawa Wednesday morning on 7am flight, arrival 9:15am
- Returning on April 12 on 5:40pm flight, arrival 1:16am.
- There is an opportunity for federal involvement at the BC Engagement Session they are hosting on April 13 in Nanaimo, BC

**Who:** TC, DFO/CCG, NRCan, ECCC

**Objective:** Engage with provincial officials to explain in detail the Federal safety, liability and compensation regimes related to spill management in light of their Intention Paper for Engagement released on February 28, 2018.

**Level of participation:** DGs or Directors would be required for each relevant sectors.

**Location:** TC Regional Office in Vancouver

### **Hotel Accommodations near TC Regional Office:**

Century Plaza Hotel Vancouver (Approx \$159.00 a night)

Address: 1015 Burrard St, Vancouver, BC V6Z 1Y5

Phone: (604) 687-0575

Sutton Place Hotel (Approx \$189.00 a night)

Address: 845 Burrard St, Vancouver, BC V6Z 2K6

Phone: (604) 682-5511

The Westin Grand, Vancouver (Approx \$229.00 a night)

Address: 433 Robson St, Vancouver, BC V6B 6L9

Phone: (604) 602-1999

Wedgewood Hotel & Spa Vancouver (Approx \$241.00 a night)

Address: 845 Hornby St, Vancouver, BC V6Z 1V1

Phone: +1 800-663-0666

Sheraton One Wall Centre (Approx \$241.00 a night)

Address: 1088 Burrard St, Vancouver, BC V6Z 2R9

Phone: (604) 331-1000

**Day 1**  
**Federal Government Workshop of BC Policy Intention Process**

**Wednesday, April 11, 2018**

**11am to 4:00pm**

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**Location: Transport Canada Regional Office, 800 Burrard, Vancouver**

**Objective:** Discuss approach and strategy for April 12 meeting with provincial officials to explain in detail the Federal safety, liability and compensation regimes related to spill management and determine Federal presence at BC engagement sessions.

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- |   |               |
|---|---------------|
| 1. Introductions  | All           |
| 2. Review of Agenda for April 12 Fed-Prov Meeting   | Claude Corbin |
| <ul style="list-style-type: none"><li>• Clarification of roles/responsibilities</li></ul>   |               |
| 3. Federal participation in the engagement sessions   | Naina Sloan   |
| <ul style="list-style-type: none"><li>• Objectives/principles for federal participation<ul style="list-style-type: none"><li>○ Participants, not just observers</li><li>○ Communicate federal regime</li><li>○ Other?</li></ul></li><li>• Min/max number of federal participants</li><li>• Type of participation (broad perspective or subject matter experts?)</li></ul> |               |
| 4. Confirmation of Materials for provincial sessions  | All           |
| 5. Next Steps   | Naina Sloan   |
| <ul style="list-style-type: none"><li>• Communication federal officials</li><li>• Material finalization</li><li>• Key contact(s) for all depts.</li><li>• Consider recommendations for non-Indigenous sessions/working groups</li></ul>   |               |
| 6. Roundtable   | All           |
| 7. Closing  |               |

## **Meeting between the Federal Government and the Province of British Columbia**

**Thursday, April 12, 2018**

**9:00am to 2:00pm**

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**Location: Transport Canada Regional Office, 800 Burrard, Vancouver**

**Objective:** To share information between provincial and federal officials on BC's Intentions Paper outlining policy concepts and their engagement process and to provide information on the Federal safety, liability and compensation regimes related to spill management

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|---|-------------------|
| 1. Introductions                                      | All               |
| 2. Presentation on BC Intentions Paper                | Province          |
| 3. Update on state of provincial engagement           | Province          |
| 4. Federal Regimes                                    | Federal Officials |
| a. Federal Regimes Related to Prevention and Response |                   |
| 1. Marine Sector – Voyage of a Vessel                 |                   |
| 2. Railways   |                   |
| 3. Dangerous Goods                                    |                   |
| 4. Pipelines  |                   |
| b. Oil Spill Response Science and Research            |                   |
| 5. Update on Oceans Protection Plan                   | Claude Corbin     |
| 6. Federal Participation in Provincial Workshops      | Naina Sloan       |
| 7. Roundtable   | All               |
| 8. Closing  |                   |

**Pages 49 to / à 55  
are duplicates of  
sont des duplicatas des  
pages 37 to / à 43**

## Blewett, Catherine

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**From:** Rascanin, Natasha <Natasha.Rascanin@tc.gc.ca>  
**Sent:** April-06-18 5:25 PM  
**To:** 'Lucas, Stephen (EC)'; Keenan, Michael; Tremblay, Christyne (NRCAN/RNCAN); Blewett, Catherine; Christiane Fox; Hutchinson, Jeffery  
**Cc:** White, Belinda (EC); Coleman, Robert (EC); Enei, George (EC); Geller, Hilary (EC); Moffet, John (EC); 'O'Leary, Alison'; Little, Jennifer; Hubbard, Terence (NRCAN/RNCAN); 'Khosla, Jay (NRCAN/RNCAN)'; Wheatley, Michelle; 'Dickson, Samantha Maislin'; Corbin, Claude; 'caroline.clark@canada.ca'  
**Subject:** RE: Federal contributions to the BC Spill Response process  
**Attachments:** RDIMS-#13926633-v16-BC\_POLICY\_INTENTIONS\_PAPER\_-\_SUMMARY to DMs.doc  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Good afternoon all:

Attached you will find the latest iteration of the overview federal document for review, which incorporates most comments received to date. NRCAN has provided input as per item 1 below, and it is incorporated. The Science section (#2) is outstanding.

We have received all the input to the very long set of technical annexes for each of the federal regimes, however, we have not had time to review fully. I am loath to send those tonight; my team and I will do one consistency scrub and send out over the weekend.

Further, we have developed federal context overview slides for inclusion in the BC consultations deck; the slides are with departments right now for vetting and comment. We are suggesting 6 slides outlining the federal regime (and referring to the overview paper) at the front end of the 92 (now 98) slide BC package. The federal slides will also come to you for comment, following integration of departmental input.

Thank you very much to all the teams for lots of work on this material.

Natasha

-----Original Message-----

**From:** Lucas, Stephen (EC) [<mailto:stephen.lucas@canada.ca>]  
**Sent:** Friday, April 06, 2018 4:37 PM  
**To:** Keenan, Michael <[Michael.Keenan@tc.gc.ca](mailto:Michael.Keenan@tc.gc.ca)>; Tremblay, Christyne (NRCAN/RNCAN) <[christyne.tremblay@canada.ca](mailto:christyne.tremblay@canada.ca)>; Catherine Blewett <[catherine.blewett@dfo-mpo.gc.ca](mailto:catherine.blewett@dfo-mpo.gc.ca)>; Christiane Fox <[Christiane.Fox@pco-bcp.gc.ca](mailto:Christiane.Fox@pco-bcp.gc.ca)>  
**Cc:** White, Belinda (EC) <[belinda.white@canada.ca](mailto:belinda.white@canada.ca)>; Coleman, Robert (EC) <[robert.coleman@canada.ca](mailto:robert.coleman@canada.ca)>; Rascanin, Natasha <[Natasha.Rascanin@tc.gc.ca](mailto:Natasha.Rascanin@tc.gc.ca)>; Enei, George (EC) <[george.enei@canada.ca](mailto:george.enei@canada.ca)>; Geller, Hilary (EC) <[hilary.geller@canada.ca](mailto:hilary.geller@canada.ca)>  
**Subject:** Re: Federal contributions to the BC Spill Response process

Ok, thanks. It would be great to get the updated version this pm, and we will work to provide that input for Monday along with any other comments (I will go through it this weekend).

Steve

Stephen Lucas, Ph.D.

Original Message

From: Keenan, Michael (Ext.)

Sent: Friday, April 6, 2018 3:31 PM

To: Tremblay, Christyne (NRCAN/RNCAN); Lucas, Stephen (EC); Catherine Blewett; Christiane Fox

Cc: White, Belinda (EC); Coleman, Robert (EC); Rascanin, Natasha

Subject: Federal contributions to the BC Spill Response process

A draft federal submission to the as been circulating. It is coming along. It now has a summary, as well as extensive details on the federal system. A new version is coming out shortly from Natasha.

I, as well as others, have provided comments on the summary. My comments have focused on being clearer on the big achievements and strong points of the federal system -- highlighting those features that make it world leading with with a view to making it sharper. Natasha and the team here is revising it.

Steve, Christyne, there are two sections where they will need your folks to make the changes.

1) on pipelines, I asked Natasha to go back to NRCAN folks to adjust the story to really sell the key. Features that make it world leading - I feel the pipeline summary undersells on this point.

2) on science on heavy oil, the points are ok, but to my mind they are not nearly as good as the story your outlined to Mark in that meeting at the Vancouver airport a while ago. You had more compelling points, and had quantified the number of peer reviewed studies etc. It would be great to capture the magic of that in the summary. Natasha is asking you folks to replicate that.

Cheers

Michael

Michael Keenan

Deputy Minister - Sous-ministre

Transport Canada -Transports Canada

1-613-990-4507

[michael.keenan@tc.gc.ca](mailto:michael.keenan@tc.gc.ca)



## GOVERNMENT OF CANADA ACTIVITIES RELATED TO SPILL MANAGEMENT

### OVERVIEW

Canada is a trading nation, and our coastlines and transportation systems are essential to the economy. The Government of Canada believes that Canadians want and deserve a clean environment and a strong economy. It also recognizes the importance of infrastructure development to access new and growing markets for our natural resources and has been clear that this should be done in a safe and sustainable manner that protects Canada's rich environment, respects the rights and treaties of Indigenous Peoples of Canada, and supports the resilience of our natural resource industries.

Canada has world-leading regimes for prevention, preparedness, and response for the transportation of petroleum and other products. The current railway, marine, and pipeline regimes continue to be advanced and improved and include comprehensive liability and compensation systems to minimize impacts and ensure Canadians and the environment are protected from costs and damages. These regimes are supported by extensive scientific research and evidence-based decision making.

The Government of Canada is committed to the ongoing improvement of these regimes. For example, the historic investment of \$1.5 billion in the national Oceans Protection Plan demonstrates the commitment to world-leading marine safety and the protection of our vital coastal ecosystems. Similarly, the recent measures enacted under the *Pipeline Safety Act* and amendments to the *National Energy Board Act* demonstrate the commitment to world-leading pipeline safety. As does Canada's commitment of \$65 million in new funding (over five years) to support activities and priorities of the Indigenous Advisory and Monitoring Committee for the Trans Mountain Expansion project, which provides a mechanism for Indigenous communities to provide advice to federal regulators, and participate in the monitoring of the existing line, the expansion project, and the associated marine shipping.

The world-leading federal regimes, and related ongoing investments, have allowed Canada to maintain the highest standards to protect Canadians from spills of petroleum and other products. On land, where gaps in the provincial system are identified, it will be essential for British Columbia to ensure alignment with federal jurisdiction for railways, the transportation of dangerous goods, and pipelines to avoid unnecessary duplication between regimes, and, most importantly, to minimize the risk of confusion among regulated parties, responders and stakeholders which could compromise spill response and undermine public confidence.

In the marine sector, where Canada's strong marine safety system and federal jurisdiction are clear – and fully aligned with our international obligations – we welcome British Columbia's efforts where the land and water regimes interface and where the province has identified gaps in its provincial system.

It is essential that British Columbia's proposal not impair Canada's jurisdiction in these areas or conflict in any way with the federal regime. The Government of Canada will continue to exercise its jurisdiction for railways, the transportation of dangerous goods, pipelines, and the marine sector in a way that considers the benefits to Canadians across the country. The Government of Canada is unequivocal that, while British Columbia can legislate to ensure its

provincial interests are addressed, any provincial regulation or legislation enacted by British Columbia needs to respect federal jurisdiction.

## **OIL SPILL RESPONSE SCIENCE AND RESEARCH**

The Government of Canada has been conducting scientific research to support oil spill response for over four decades in partnership with International organizations, other government agencies, industry and academics. This research has ranged from toxicological tests in the laboratory to field trials and evaluations of response technology. We continue to increase our investments in science and research initiatives aimed at improving the safe transport of oil products, spill recovery, and response.

Since 2012, the Government of Canada has been conducting various studies to determine the fate, behaviour, potential impacts, and effectiveness of response techniques on a variety of heavy oil products. In particular, research on the behaviour of diluted bitumen has been substantially expanded, and this work is continuing with further investments under the Oceans Protection Plan.

These collective efforts have resulted in a wide-ranging suite of studies, which are peer reviewed domestically and internationally, and have advanced scientific understanding. They have informed decisions for major projects, such as oil transportation technologies like oil tankers, pipelines and rail.

Research undertaken by federal government scientists has improved our understanding of the fate and behaviour of a number of diluted bitumen products should they spill into marine or fresh waters. This research has contributed to an increased understanding of issues such as the physical and chemical properties of fresh and weathered diluted bitumen, interactions with sediments and shoreline materials, the applicability of certain countermeasures to respond to diluted bitumen spills as well as shoreline characterization and penetration and retention of diluted bitumen on shorelines.

Through this ongoing work, we are able to better predict the fate and behaviour of spilled petroleum products (both conventional and non-conventional), and to better understand the effectiveness of specific response tools. This knowledge, coupled with hydrodynamic models, can help predict what can happen to the oil when spilled, thereby informing oil spill contingency planning, environmental assessments and monitoring. This knowledge is also used by spill response personnel to place equipment strategically to protect vulnerable shorelines and to guide responders in determining the best response plans and most effective spill response technologies.

## **FEDERAL REGIMES RELATED TO PREVENTION AND RESPONSE**

The *Railway Safety Act*, the *Pipeline Safety Act*, the *National Energy Board Act*, the *Canada Shipping Act, 2001*, the *Marine Liability Act*, as well as the *Canadian Environmental Protection Act, 1999*, establish a comprehensive world-leading federal regime in Canada related to the transportation of petroleum and other products.

The highest safety and security standards are in place in all modes of transportation to prevent incidents and accidents, while enabling rapid, science-based planning and response actions in the unlikely event of a spill.

This robust federal system is built on the “polluter pays” principle, whereby the industry transporting the product is responsible for costs related to cleanup and pollution damage. Further, a world-leading suite of liability and compensation measures is in place, addressing activities under federal jurisdiction and protecting Canadians from damages and costs associated with spills.

## **Marine Sector**

The national ship-source oil spill regime is comprised of three key areas: prevention, preparedness and response, and liability and compensation. This world-leading regime has its foundation in international obligations and is built on international and domestic cooperation and standards. Transport Canada is the regulator responsible for ensuring the regime is comprehensive and aligned with other transportation regimes across the country and internationally. The Canadian Coast Guard is the on-water operator to ensure responses to marine incidents are effective, efficient and appropriate. Fisheries and Oceans Canada, Environment and Climate Change Canada and Natural Resources Canada provide the scientific expertise to support the system. Through new legislation and major investments, such as the Oceans Protection Plan, the Government of Canada is dramatically strengthening this already robust regime.

The more than 100 regulations, 30 acts and international agreements and commitments that make up Canada’s marine safety regime, are first and foremost focused on preventing accidents from occurring. Canada’s robust inspection and oversight regime, as well as clearly defined compulsory marine pilotage areas, that ensure Canadian pilots familiar with local waters and appropriate travelling speeds are onboard transiting vessels, are ways in which the federal regime keeps marine incidents from occurring.

Canada also has clear requirements related to response planning. Ship-owners are required to have plans in place which detail their response efforts should an on-water spill occur and are also responsible for having agreements with certified Response Organization who provide oil spill response services on behalf of the polluter. These plans, certified by Transport Canada, include the identification of their Geographic Area of Response, and the response capacity.

Should the polluter be unable, unwilling or unknown, the Canadian Coast Guard is ready and well positioned to deploy its strategically located vessels, equipment, and highly trained personnel to protect the marine environment. The Government of Canada is investing in the Canadian Coast Guard with the Oceans Protection Plan to further enhance our ability to respond to oil spills. This includes adding two new emergency towing vessels in the West Coast, building new lifeboat stations, buying state-of-the-art equipment, and training more people to protect British Columbia’s coastline.

Similar to the other systems in Canada, the ship-source oil spill response system is built on the “polluter pays” principle making polluters responsible for spills in Canadian waters and ensuring they have the resources in place to cover their obligations. The Government of Canada

continues to make improvements to the *Ship-Source Oil Pollution Fund* to ensure unlimited industry-funded compensation is made available to those affected by ship-source and mystery-source spills. This ensures maximum financial protection for taxpayers and makes it one of the most robust and comprehensive systems in the world.

## **Railways and Surface Transportation**

Under the *Railway Safety Act*, railway companies are responsible for the safety of their rail line infrastructure, railway equipment, and operations. This includes ongoing inspections, testing, and maintenance programs in accordance with regulatory requirements, as well as any particular operating and environmental conditions.

Transport Canada's role is to monitor railway companies for compliance with rules, regulations, and standards through audits and safety inspections. The department conducts approximately 33,000 oversight activities, including audits and inspections every year.

The Government of Canada has made significant and dramatic improvements to the regime in recent year. Taking concrete steps to strengthen the rail safety regime in Canada through regulatory and legislative reform, including increasing the amount of inspections; lowering speed limits on trains transporting dangerous goods through municipalities; implementing requirements which provide municipalities with information about dangerous goods travelling through their communities; introducing new rules on train securement; new tank car regulations; and, providing the Minister of Transport and inspectors new powers to order railway companies to take corrective measures when safety is found to be an issue.

Canada's rail liability and compensation regime is already robust, and establishes important measures such as minimum levels of insurance for rail operators, up to \$1B for railways carrying substantial amounts of specified dangerous goods. This world leading regime is supplemented by the *Fund for Railway Accidents Involving Designated Goods* which has no limits.

In addition to railway safety, the Government of Canada has a robust compliance and response program that requires dangerous goods to be properly classified and transported in the appropriate means of containment. The program sets out the parameters for *Emergency Response Assistance Plans* for anyone transporting or importing dangerous goods, which includes petroleum and other products. The Government of Canada continues to work to strengthen its oversight and preparedness program for dangerous goods, including through recent regulatory amendments.

## **Pipelines**

Canada now has one of the most rigorous and effective pipeline safety systems in existence. While our primary objective is incident prevention, we have also established a world leading preparedness and response system *and* a comprehensive liability and compensation regime to ensure that Canadians are protected from costs and damages and that the environment is protected in the event of a spill. Many of these measures were introduced as part of the *Pipeline Safety Act* which holds industry to among the highest standards.

Creating a culture focused on safety and prevention of incidents is paramount. We have updated and strengthened rules relating to activities around pipelines to prevent incidents; implemented Administrative Monetary Penalties; and, made public information on the use of best available technologies in pipeline construction and operations.

On preparedness and response, we have set out clear and comprehensive regulatory requirements supported by rigorous regulatory oversight. Companies must have a comprehensive Emergency Management Program in place that includes consideration of potential effects on any potentially impacted area (e.g., marine and freshwater environments). The National Energy Board can also establish requirements for a Geographic Response Plan. Companies must involve local communities, including Indigenous communities and first responders in planning and operations.

The *Pipeline Safety Act* enshrines the “polluter pays” principle in law so that polluters, not Canadian taxpayers, are financially responsible for the costs and damages they cause. Companies are responsible for all actual losses or damages incurred by any person; costs incurred by government (federal or provincial) or any Indigenous governing body; as well as costs associated with the loss of use of a public resource such as a national park or ecosystem.

In addition, federally-regulated pipeline companies will be automatically responsible, up to set limits, no matter who or what causes an incident. For operators of major oil pipelines, this is set at \$1 billion (limits for other companies to be set out in regulations). This means no determination of fault or negligence is required before action is taken to respond to a spill. Companies must also prove they have the financial resources to match their liability. In an exceptional circumstance where a company is unable or unwilling to respond to an incident, the National Energy Board would have the authority to take over control if the Governor in Council agrees. Any costs would be 100% cost-recovered from industry.

A concrete demonstration of the Government of Canada's commitment to safe and secure pipeline operations is federal approval of the Trans Mountain Expansion Project that was subject to over 150 conditions. For example, Trans Mountain was required to consider response times and geographic response plans; to file updates to its Emergency Management Program; to file an Emergency Preparedness and Response Exercise and Training Program; and, to complete a full-scale emergency response exercise for specific scenarios. The NEB's exercise evaluations will be made publically available on its website.

The Government of Canada takes its responsibilities seriously to ensure a strong economy and a clean environment go hand-in-hand for the benefit of all Canadians. Canada is internationally recognized as a sound place to invest, and getting our resources to global markets is critical for creating good middle-class jobs. We stand by our commitments to British Columbians and all Canadians to implement world-leading measures to protect the environment and our coasts. The prevention, preparedness, response, liability and compensation measures that we have advanced ensure that Canada maintains the highest safety and security standards in all modes of transportation.

## Blewett, Catherine

**From:** Fox, Christiane <Christiane.Fox@pco-bcp.gc.ca>  
**Sent:** April-07-18 8:02 PM  
**To:** 'Lucas, Stephen (EC)'; Keenan, Michael; Blewett, Catherine  
**Subject:** FW: URGENT /TMX Update

**Follow Up Flag:** Follow up  
**Flag Status:** Completed s.14  
s.21(1)(b)

See below. [REDACTED].Chris

**From:** Fox, Christiane  
**Sent:** April 7, 2018 8:02 PM  
**To:** Tremblay, Christyne (NRCAN/RNCAN) <christyne.tremblay@canada.ca>; Tapley, Catrina <Catrina.Tapley@pco-bcp.gc.ca>; Drouin Nathalie <Nathalie.G.Drouin@justice.gc.ca>; Yaskiel, Ava (FIN) <ava.yaskiel@canada.ca>; Maheu, Chantal <Chantal.Maheu@pco-bcp.gc.ca>  
**Cc:** Labonté, Jeff (NRCAN/RNCAN) <jeff.labonte@canada.ca>; Johnson, Mollie (NRCAN/RNCAN) <mollie.johnson@canada.ca>; Jennings, Philip (NRCAN/RNCAN) <philip.jennings@canada.ca>; Varangu, Kristi (NRCAN/RNCAN) <kristi.varangu@canada.ca>  
**Subject:** RE: URGENT /TMX Update

Hi,

[REDACTED]

More to come.  
Chris

**From:** Fox, Christiane  
**Sent:** April 7, 2018 6:34 PM  
**To:** Tremblay, Christyne (NRCAN/RNCAN) <christyne.tremblay@canada.ca>; Tapley, Catrina <Catrina.Tapley@pco-bcp.gc.ca>; Drouin Nathalie <Nathalie.G.Drouin@justice.gc.ca>; Yaskiel, Ava (FIN) <ava.yaskiel@canada.ca>  
**Cc:** Labonté, Jeff (NRCAN/RNCAN) <jeff.labonte@canada.ca>; Johnson, Mollie (NRCAN/RNCAN) <mollie.johnson@canada.ca>; Jennings, Philip (NRCAN/RNCAN) <philip.jennings@canada.ca>; Varangu, Kristi (NRCAN/RNCAN) <kristi.varangu@canada.ca>  
**Subject:** Re: URGENT /TMX Update

Thank you. I think this is as a result of their board meeting. Will chat with folks on my end as well. A call tomorrow may be a good idea....thanks for this.  
chris

Sent from my BlackBerry 10 smartphone on the Rogers network.

**From:** Tremblay, Christyne (NRCAN/RNCAN)  
**Sent:** Saturday, April 7, 2018 6:28 PM  
**To:** Fox, Christiane; Tapley, Catrina; Drouin Nathalie; Yaskiel, Ava (FIN)  
**Cc:** Labonté, Jeff (NRCAN/RNCAN); Johnson, Mollie (NRCAN/RNCAN); Jennings, Philip (NRCAN/RNCAN); Varangu, Kristi (NRCAN/RNCAN)  
**Subject:** URGENT /TMX Update

Colleagues,

There is some movement with Kinder Morgan [REDACTED] Please see the email below just sent to Minister Carr. Maybe I will need your help tomorrow. I will keep you in the loop.

Christyne

Sent from my BlackBerry 10 smartphone on the Rogers network.

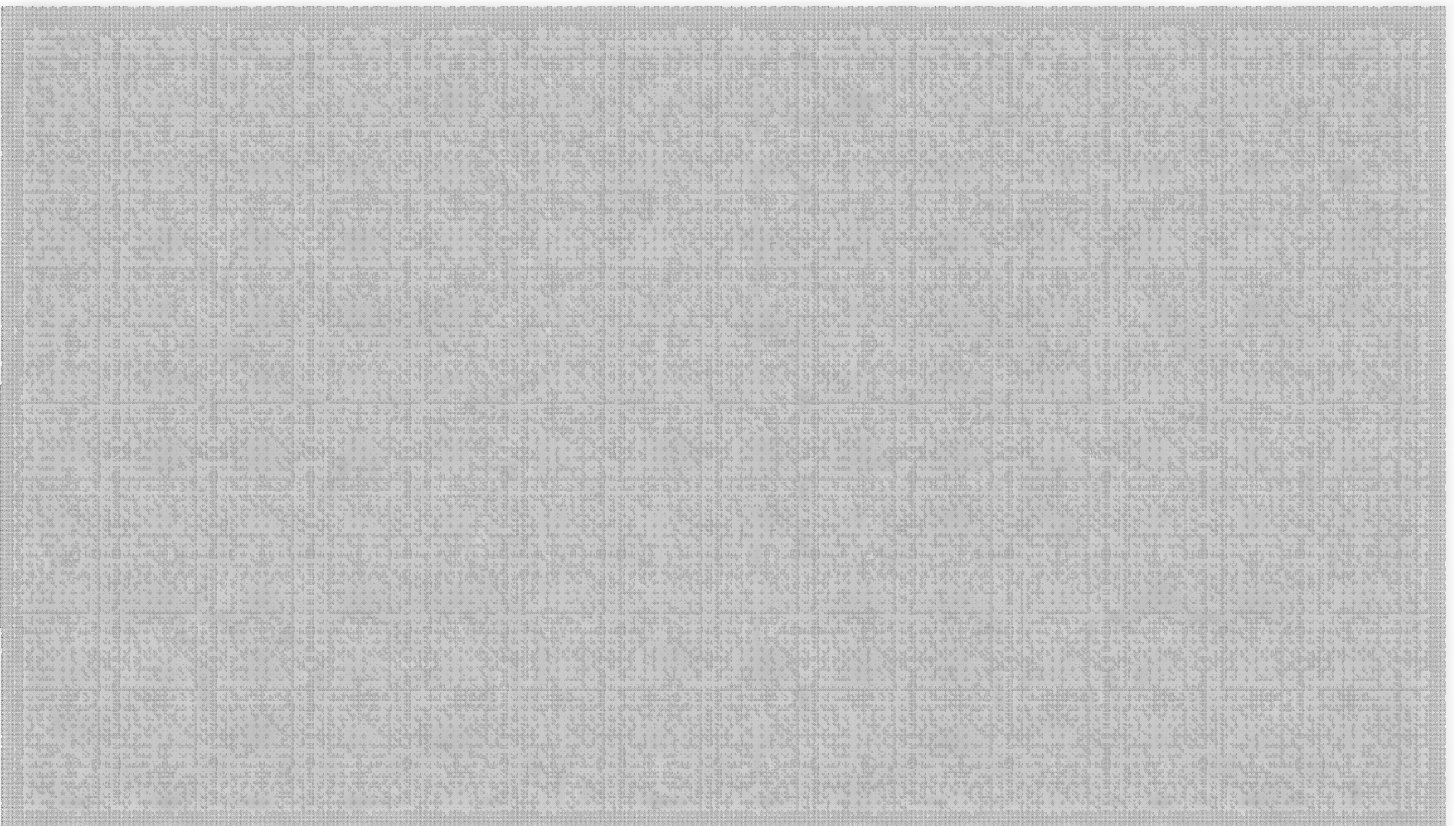
**From:** Tremblay, Christyne (NRCAN/RNCAN) <[christyne.tremblay@canada.ca](mailto:christyne.tremblay@canada.ca)>  
**Sent:** samedi 7 avril 2018 6:09 PM  
**To:** Carr, Honourable / Honorable Jim (NRCAN/RNCAN); Caron, Zoe  
**Subject:** TMX Update

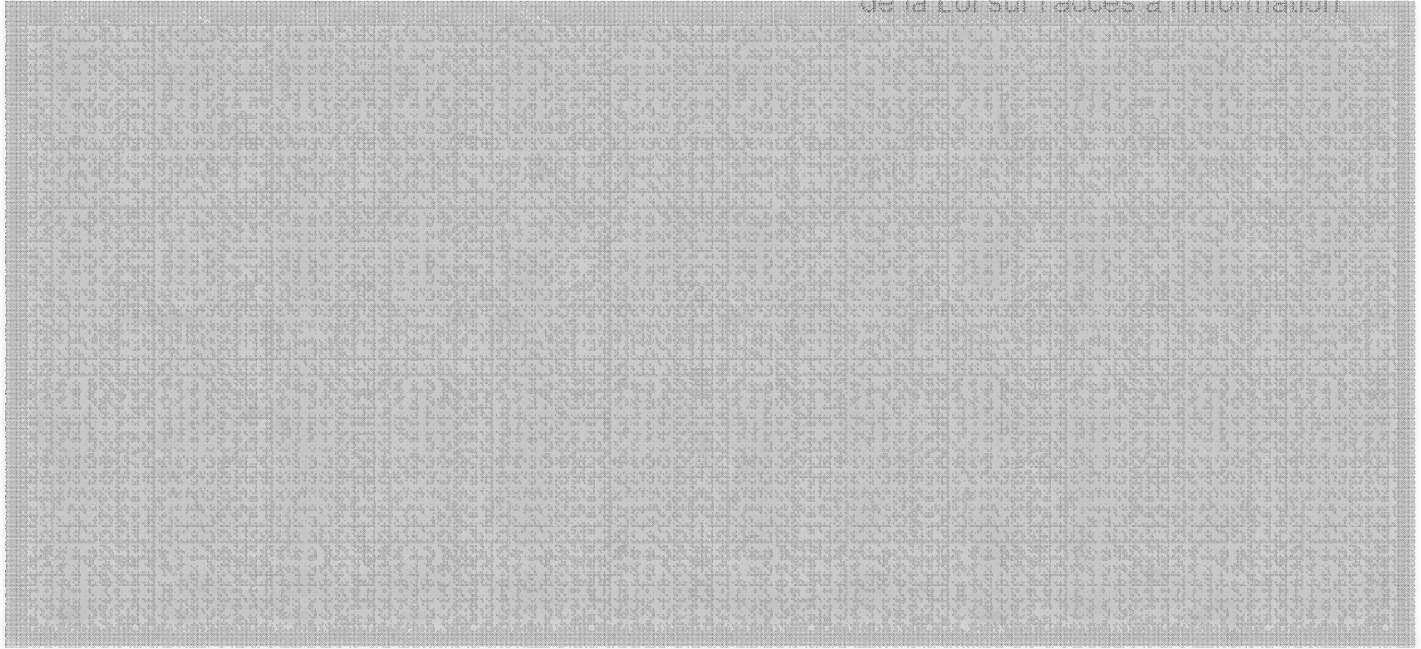
s.21(1)(a)

s.21(1)(b)

s.69(1)(g) re: (a)

Minister, Zoë,





Christyne

s.20(1)(b)

s.20(1)(c)

s.21(1)(a)

s.21(1)(b)



## Blewett, Catherine

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**From:** Fox, Christiane <Christiane.Fox@pco-bcp.gc.ca>  
**Sent:** April-08-18 8:25 PM  
**To:** Tremblay, Christyne (NRCAN/RNCAN); Nathalie Drouin; Maheu, Chantal; Tapley, Catrina; Labonté, Jeff (NRCAN/RNCAN); Jennings, Philip (NRCAN/RNCAN); Lucas, Stephen (EC); Blewett, Catherine; Keenan, Michael; O'Leary, Alison; Tupper, Shawn  
**Subject:** BC Premier statement  
  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Here it is:

Premier John Horgan has issued the following statement regarding Kinder Morgan's decision to suspend non-essential spending on the Trans Mountain expansion project:

"British Columbians expect their government to stand up for their interests and our coast, and to do everything we can to protect our land and waters, our coastal communities and our local economies.

"The federal process failed to consider B.C.'s interests and the risk to our province. We joined the federal challenge, started by others, to make that point."

"We believe we need to grow the economy, while protecting the environment. We want to work to address these challenges together. But we will always stand up for British Columbians, our environment and the thousands of jobs that depend on our coast."

Christiane Fox  
Deputy Minister of Intergovernmental Affairs and Youth /  
Sous-ministre des Affaires intergouvernementales et de la jeunesse  
Privy Council Office / Bureau du Conseil privé  
Government of Canada / Gouvernement du Canada  
[Christiane.fox@pco-bcp.gc.ca](mailto:Christiane.fox@pco-bcp.gc.ca)

**Longtin, Jean**

---

**From:** Stringer, Kevin  
**Sent:** April-11-18 8:26 AM  
**To:** Blewett, Catherine  
**Subject:** FW: BC Policy Intentions Paper and BC meetings  
**Attachments:** RDIMS-#13945875-v1-FEDERAL-PROVINCIAL\_BC\_MEETING\_-\_AGENDA\_DAY\_2.DOC;  
RDIMS-#13949831-v1-FEDERAL\_WORKSHOP\_ON\_BC\_INTENTION\_PAPER\_-\_AGENDA\_DAY\_1....doc

Meant to raise this with you this morning as well, but I think you were in the loop.

Thanks

KS

**From:** Wheatley, Michelle  
**Sent:** Tuesday, April 10, 2018 6:35 PM  
**To:** Stringer, Kevin <[Kevin.Stringer@dfo-mpo.gc.ca](mailto:Kevin.Stringer@dfo-mpo.gc.ca)>  
**Cc:** Butcher, Ashley <[Ashley.Butcher@dfo-mpo.gc.ca](mailto:Ashley.Butcher@dfo-mpo.gc.ca)>; Parker, Mia <[Mia.Parker@dfo-mpo.gc.ca](mailto:Mia.Parker@dfo-mpo.gc.ca)>  
**Subject:** BC Policy Intentions Paper and BC meetings

Kevin

There has been a lot going on relating to the BC Policy Intentions Paper and material has been going between Transport Canada and various levels in DFO/CCG as we have worked to build the response material. Catherine has been the recipient, along with other OPP DMs of material directly from Natasha. However, I realized I had not confirmed that you were in the loop. The response to the BC paper has been developed with a summary document and several annexes addressing the various areas (I will forward e-mail with these documents separately). CCG and DFO Science have been especially engaged on this. As Natasha had noted in an e-mail to Catherine and Jeff, a DG level meeting with BC is planned for this week. The federal family will meet tomorrow in Vancouver at TC's offices and will meet with BC DGs (and possibly some ADMs) on Thursday. The agendas for these two meetings are attached. The summary document will form the basis of these discussions.

Dr. Ken Lee (COOGER) will be there from the DFO Science side, along with Cheryl Webb who is leading this file for Pacific Region DFO. Simon Melanson and Cathy Nghiem from CCG will also be there along with two from Western Region CCG. Rebecca Reid and Ken Smith in her OPP Secretariat are aware of this and were part of the discussion on who would participate. Claude Corbin from TC will be there along with others from TC, NRCan and ECCC.

[REDACTED] There have been lots of versions of documents going back and for the last couple of weeks.

Please let me know if you have any questions or concerns.

s.19(1)

Cheers  
Michelle

**Dr. Michelle Wheatley**  
Director General, Delivery and Results  
Fisheries and Oceans Canada / Government of Canada

Michelle.Wheatley@dfo-mpo.gc.ca / Tel: 613-990-9977

Directrice générale, Bilan et résultats

Pêches et Océans Canada / Gouvernement du Canada

Michelle.Wheatley@dfo-mpo.gc.ca / Tél: 613-990-9977

**Pages 69 to / à 71  
are duplicates of  
sont des duplicatas des  
pages 44 to / à 45**

**Longtin, Jean**

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**From:** Blewett, Catherine  
**Sent:** April-11-18 9:10 AM  
**To:** Stringer, Kevin  
**Cc:** Hutchinson, Jeffery  
**Subject:** Re: BC Policy Intentions Paper and BC meetings

Yes - thanks K.

Looping in Jeff

Sent from my BlackBerry 10 smartphone on the Rogers network.

**From:** Stringer, Kevin  
**Sent:** Wednesday, April 11, 2018 9:26 AM  
**To:** Blewett, Catherine  
**Subject:** FW: BC Policy Intentions Paper and BC meetings

Meant to raise this with you this morning as well, but I think you were in the loop.

Thanks

KS

**From:** Wheatley, Michelle  
**Sent:** Tuesday, April 10, 2018 6:35 PM  
**To:** Stringer, Kevin <[Kevin.Stringer@dfo-mpo.gc.ca](mailto:Kevin.Stringer@dfo-mpo.gc.ca)>  
**Cc:** Butcher, Ashley <[Ashley.Butcher@dfo-mpo.gc.ca](mailto:Ashley.Butcher@dfo-mpo.gc.ca)>; Parker, Mia <[Mia.Parker@dfo-mpo.gc.ca](mailto:Mia.Parker@dfo-mpo.gc.ca)>  
**Subject:** BC Policy Intentions Paper and BC meetings

s.19(1)

Kevin

There has been a lot going on relating to the BC Policy Intentions Paper and material has been going between Transport Canada and various levels in DFO/CCG as we have worked to build the response material. Catherine has been the recipient, along with other OPP DMs of material directly from Natasha. However, I realized I had not confirmed that you were in the loop. The response to the BC paper has been developed with a summary document and several annexes addressing the various areas (I will forward e-mail with these documents separately). CCG and DFO Science have been especially engaged on this. As Natasha had noted in an e-mail to Catherine and Jeff, a DG level meeting with BC is planned for this week. The federal family will meet tomorrow in Vancouver at TC's offices and will meet with BC DGs (and possibly some ADMs) on Thursday. The agendas for these two meetings are attached. The summary document will form the basis of these discussions.

Dr. Ken Lee (COOGER) will be there from the DFO Science side, along with Cheryl Webb who is leading this file for Pacific Region DFO. Simon Melanson and Cathy Nghiem from CCG will also be there along with two from Western Region CCG. Rebecca Reid and Ken Smith in her OPP Secretariat are aware of this and were part of the discussion on who would participate. Claude Corbin from TC will be there along with others from TC, NRCan and ECCC.

There have been lots of versions of documents going back and for the last couple of weeks.

Please let me know if you have any questions or concerns.

Cheers  
Michelle

***Dr. Michelle Wheatley***  
Director General, Delivery and Results  
Fisheries and Oceans Canada / Government of Canada  
[Michelle.Wheatley@dfo-mpo.gc.ca](mailto:Michelle.Wheatley@dfo-mpo.gc.ca) / Tel: 613-990-9977

Directrice générale, Bilan et résultats  
Pêches et Océans Canada / Gouvernement du Canada  
[Michelle.Wheatley@dfo-mpo.gc.ca](mailto:Michelle.Wheatley@dfo-mpo.gc.ca) / Tél: 613-990-9977

## Malko, Carol

---

**From:** Parker, Mia  
**Sent:** Wednesday, April 11, 2018 4:41 PM  
**To:** Kahn, Zoe  
**Cc:** Malko, Carol  
**Subject:** FW: Federal contributions to the BC Spill Response process  
**Attachments:** BC\_POLICY\_INTENTIONS\_PAPER\_-\_SUMMARY April 10.doc; Federal slides for BC Engagement presentation.pptx;  
BC\_POLICY\_INTENTIONS\_PAPER\_-\_OIL\_SPILL\_SCIENCE\_ANNEX April 10.doc;  
BC\_POLICY\_INTENTIONS\_PAPER\_-\_MARINE\_ANNEX April 10.doc;  
BC\_POLICY\_INTENTIONS\_PAPER\_-\_SURFACE\_ANNEX April 10.doc;  
BC\_POLICY\_INTENTIONS\_PAPER\_-\_PIPELINE\_ANNEX April 10.doc

Hi Zoe,

Michelle noted that you were not copied on the original distribution after she forwarded the documents to the Associate DM's office. Please find the most up to date version of the package currently in our possession. Please feel free to contact me if you have any questions or need anything further.

Best Regards,

Mia

M. Parker  
Senior Advisor, Delivery and Results  
Fisheries and Oceans Canada / Government of Canada  
Tel: 613-991-0123

-----Original Message-----

**From:** Wheatley, Michelle  
**Sent:** April-10-18 6:40 PM  
**To:** Stringer, Kevin  
**Cc:** Parker, Mia; Butcher, Ashley  
**Subject:** FW: Federal contributions to the BC Spill Response process

Kevin

These are the latest versions of documents as noted in the first e-mail I sent you. CCG has fed extensively into these, as has Science for the Oil Spill Science annex. The deadline to provide the input to BC is the end of April.

Cheers  
Michelle

Dr. Michelle Wheatley  
Director General, Delivery and Results  
Fisheries and Oceans Canada / Government of Canada Michelle.Wheatley@dfo-mpo.gc.ca / Tel: 613-990-9977

Directrice générale, Bilan et résultats

-----Original Message-----

From: Rascanin, Natasha [mailto:Natasha.Rascanin@tc.gc.ca]

Sent: April 10, 2018 6:18 PM

To: 'Lucas, Stephen (EC)' <stephen.lucas@canada.ca>; Keenan, Michael <Michael.Keenan@tc.gc.ca>; 'Tremblay, Christyne (NRCAN/RNCAN)' <christyne.tremblay@canada.ca>; Blewett, Catherine <Catherine.Blewett@dfo-mpo.gc.ca>; 'Christiane Fox' <Christiane.Fox@pco-bcp.gc.ca>; Hutchinson, Jeffery <Jeffery.Hutchinson@dfo-mpo.gc.ca>  
Cc: 'White, Belinda (EC)' <belinda.white@canada.ca>; 'Coleman, Robert (EC)' <robert.coleman@canada.ca>; 'Moffet, John (EC)' <john.moffet@canada.ca>; 'O'Leary, Alison' <Alison.O'Leary@pco-bcp.gc.ca>; Little, Jennifer <jennifer.little@tc.gc.ca>; 'Hubbard, Terence (NRCAN/RNCAN)' <terence.hubbard@canada.ca>; 'Geller, Hilary (EC)' <hilary.geller@canada.ca>; 'Khosla, Jay (NRCAN/RNCAN)' <jay.khosla@canada.ca>; Wheatley, Michelle <Michelle.Wheatley@dfo-mpo.gc.ca>; MacDonald, Lori <Lori.MacDonald@tc.gc.ca>; 'Dickson, Samantha Maislin' <SamanthaMaislin.Dickson@justice.gc.ca>; Corbin, Claude <claudette.corbin@tc.gc.ca>; 'caroline.clark@canada.ca' <caroline.clark@canada.ca>; Hanson, Lawrence <Lawrence.Hanson@tc.gc.ca>; 'Sloan, Naina (NRCAN/RNCAN)' <naina.sloan@canada.ca>; Dick, Robert <Robert.Dick@tc.gc.ca>  
Subject: RE: Federal contributions to the BC Spill Response process

Hello all,

Attached you will find the following documents:

1. overview federal document - tightened to be more direct and hard-hitting, though we may need to consider whether science section (or any of the others) needs any further adjustments given evolving context, and most recent conversations
2. set of slides setting out the federal overview, for inclusion at the front end of the very long (almost 100 slide) deck that BC uses during its consultation sessions - in the slides, we reference the federal paper, which could be available for distribution to consultation participants (next Indigenous consultation session is on Friday, April 13)
3. annexes for each of the sections that provide greater detail about each section

This is now the penultimate complete package, and once again, many thanks to all who input and worked diligently throughout.

Any comments on the first two documents in particular would be needed fairly quickly, as various members of our respective teams are either on their way to BC, or are getting ready to participate by video or phone in two sets of meetings:

1. Tomorrow federal HQ and regional teams are meeting to connect and share briefing as needed with those who will actually attend the consultation sessions; and
2. They will also finalize the strategy for discussion with BC officials (ADM and DG level across various provincial departments) scheduled on Thursday, April 12. The federal and provincial officials are meeting for almost the entire day, and will talk through the content of the papers, as well as discuss BC position and process. They will also seek agreement on inclusion of the slides (we already have that agreement notionally at DM and ADM levels).

We continue to work on finalizing the entire set of documents for ultimate final submission to the BC consultation process, as well as scenario options on how to make the federal submission public (multi-Ministerial statement, etc, to be determined). The feedback from the next few days will help finalize that documentation, as will your input.

Natasha

-----Original Message-----

From: Rascanin, Natasha



Sent: Sunday, April 08, 2018 10:43 AM

To: 'Lucas, Stephen (EC)' <stephen.lucas@canada.ca>; Keenan, Michael <Michael.Keenan@tc.gc.ca>; Tremblay, Christyne (NRCAN/RNCAN) <christyne.tremblay@canada.ca>; 'Catherine Blewett' <catherine.blewett@dfo-mpo.gc.ca>; 'Christiane Fox' <Christiane.Fox@pco-bcp.gc.ca>; 'Hutchinson, Jeffery' <Jeffery.Hutchinson@dfo-mpo.gc.ca>  
Cc: 'White, Belinda (EC)' <belinda.white@canada.ca>; 'Coleman, Robert (EC)' <robert.coleman@canada.ca>; 'Moffet, John (EC)' <john.moffet@canada.ca>; 'O'Leary, Alison' <Alison.O'Leary@pco-bcp.gc.ca>; Little, Jennifer <jennifer.little@tc.gc.ca>; 'Hubbard, Terence (NRCAN/RNCAN)' <terence.hubbard@canada.ca>; Geller, Hilary (EC) <hilary.geller@canada.ca>; 'Khosla, Jay (NRCAN/RNCAN)' <jay.khosla@canada.ca>; 'michelle.wheatley@dfo-mpo.gc.ca' <michelle.wheatley@dfo-mpo.gc.ca>; MacDonald, Lori <Lori.MacDonald@tc.gc.ca>; 'Dickson, Samantha Maislin' <SamanthaMaislin.Dickson@justice.gc.ca>; Corbin, Claude <claudio.corbin@tc.gc.ca>; 'caroline.clark@canada.ca' <caroline.clark@canada.ca>; Hanson, Lawrence <Lawrence.Hanson@tc.gc.ca>; 'Sloan, Naina (NRCAN/RNCAN)' <naina.sloan@canada.ca>

Subject: RE: Federal contributions to the BC Spill Response process

Good morning,

I am attaching the longer science annex to this email, as it will need to be further aligned with how the overview story is being adjusted, as discussed below.

The other 3 annexes (marine, rail and surface, and pipelines) I will be sending to ADMs and teams for one further set of inputs, as we are not yet caught up to how the overall storyline/summary has evolved and there are some inconsistencies in structure and approach that need to be sorted.

We are still in good shape on timelines. The overview summary will need to be wrapped up by mid-week at the latest, as the next BC consultation is on Friday, which a subset of our teams will be attending. and we would want to use the overview at that point.

For the full formal submission (and strategy how we implement; what is put out publicly etc), we are working up a scenario note. It is for the formal submission that we would need the full package to be completely final; we are targeting mid-week this week for full package going back to DMs.

If needed, we can set up an ADM call tomorrow to discuss further, but it may not be necessary; we are trying to put outstanding elements in a message to all that will go shortly.

Thank you,  
Natasha

-----Original Message-----

From: Rascanin, Natasha

Sent: Friday, April 06, 2018 5:25 PM

To: 'Lucas, Stephen (EC)' <stephen.lucas@canada.ca>; Keenan, Michael <Michael.Keenan@tc.gc.ca>; Tremblay, Christyne (NRCAN/RNCAN) <christyne.tremblay@canada.ca>; Catherine Blewett <catherine.blewett@dfo-mpo.gc.ca>; Christiane Fox <Christiane.Fox@pco-bcp.gc.ca>; 'Hutchinson, Jeffery' <Jeffery.Hutchinson@dfo-mpo.gc.ca>  
Cc: White, Belinda (EC) <belinda.white@canada.ca>; Coleman, Robert (EC) <robert.coleman@canada.ca>; Enei, George (EC) <george.enei@canada.ca>; Geller, Hilary (EC) <hilary.geller@canada.ca>; Moffet, John (EC) <john.moffet@canada.ca>; 'O'Leary, Alison' <Alison.O'Leary@pco-bcp.gc.ca>; Little, Jennifer <jennifer.little@tc.gc.ca>; Hubbard, Terence (NRCAN/RNCAN) <terence.hubbard@canada.ca>; 'Khosla, Jay (NRCAN/RNCAN)' <jay.khosla@canada.ca>; 'michelle.wheatley@dfo-mpo.gc.ca' <michelle.wheatley@dfo-mpo.gc.ca>; 'Dickson, Samantha Maislin' <SamanthaMaislin.Dickson@justice.gc.ca>; Corbin, Claude <claudio.corbin@tc.gc.ca>; 'caroline.clark@canada.ca' <caroline.clark@canada.ca>

Subject: RE: Federal contributions to the BC Spill Response process

Good afternoon all:

Attached you will find the latest iteration of the overview federal document for review, which incorporates most comments received to date. NRCAN has provided input as per item 1 below, and it is incorporated. The Science section (#2) is outstanding.

We have received all the input to the very long set of technical annexes for each of the federal regimes, however, we have not had time to review fully. I am loath to send those tonight; my team and I will do one consistency scrub and send out over the weekend.

Further, we have developed federal context overview slides for inclusion in the BC consultations deck; the slides are with departments right now for vetting and comment. We are suggesting 6 slides outlining the federal regime (and referring to the overview paper) at the front end of the 92 (now 98) slide BC package. The federal slides will also come to you for comment, following integration of departmental input.

Thank you very much to all the teams for lots of work on this material.

Natasha

-----Original Message-----

From: Lucas, Stephen (EC) [mailto:stephen.lucas@canada.ca]

Sent: Friday, April 06, 2018 4:37 PM

To: Keenan, Michael <Michael.Keenan@tc.gc.ca>; Tremblay, Christyne (NRCAN/RNCAN) <christyne.tremblay@canada.ca>; Catherine Blewett <catherine.blewett@dfo-mpo.gc.ca>; Christiane Fox <Christiane.Fox@pco-bcp.gc.ca>

Cc: White, Belinda (EC) <belinda.white@canada.ca>; Coleman, Robert (EC) <robert.coleman@canada.ca>; Rascanin, Natasha <Natasha.Rascanin@tc.gc.ca>; Enei, George (EC) <george.enei@canada.ca>; Geller, Hilary (EC) <hilary.geller@canada.ca>

Subject: Re: Federal contributions to the BC Spill Response process

Ok, thanks. It would be great to get the updated version this pm, and we will work to provide that input for Monday along with any other comments (I will go through it this weekend).

Steve

Stephen Lucas, Ph.D.

Original Message

From: Keenan, Michael (Ext.)

Sent: Friday, April 6, 2018 3:31 PM

To: Tremblay, Christyne (NRCAN/RNCAN); Lucas, Stephen (EC); Catherine Blewett; Christiane Fox

Cc: White, Belinda (EC); Coleman, Robert (EC); Rascanin, Natasha

Subject: Federal contributions to the BC Spill Response process

A draft federal submission to the as been circulating. It is coming along. It now has a summary, as well as extensive details on the federal system. A new version is coming out shortly from Natasha.

I, as well as others, have provided comments on the summary. My comments have focused on being clearer on the big achievements and strong points of the federal system -- highlighting those features that make it world leading with a view to making it sharper. Natasha and the team here is revising it.

Steve, Christyne, there are two sections where they will need your folks to make the changes.

1) on pipelines, I asked Natasha to go back to NRCAN folks to adjust the story to really sell the key. Features that make it world leading - I feel the pipeline summary undersells on this point.

2) on science on heavy oil, the points are ok, but to my mind they are not nearly as good as the story your outlined to Mark in that meeting at the Vancouver airport a while ago. You had more compelling points, and had quantified the number of peer reviewed studies etc. It would be great to capture the magic of that in the summary. Natasha is asking you folks to replicate that.

Cheers

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## GOVERNMENT OF CANADA ACTIVITIES RELATED TO SPILL MANAGEMENT

### OVERVIEW

Canada is a trading nation, and our coastlines and transportation systems are essential to the economy. The Government of Canada believes that Canadians want and deserve a clean environment and a strong economy. It also recognizes the importance of infrastructure development to access new and growing markets for our natural resources and has been clear that this should be done in a safe and sustainable manner that protects Canada's rich environment, respects the rights and treaties of Indigenous Peoples of Canada, and supports the resilience of our natural resource industries.

Canada has world-leading regimes for prevention, preparedness, and response for the transportation of petroleum and other products. The current railway, marine, and pipeline regimes continue to be advanced and improved and include comprehensive liability and compensation systems to minimize impacts on Canadians, ensure they are protected from costs and damages, and that the environment is protected. These regimes are supported by extensive scientific research and evidence-based decision making.

The Government of Canada is committed to the ongoing improvement of these regimes. For example, the historic investment of \$1.5 billion in the national Oceans Protection Plan demonstrates the commitment to world-leading marine safety and the protection of our vital coastal ecosystems. Similarly, the recent measures enacted under the *Pipeline Safety Act* and amendments to the *National Energy Board Act* demonstrate the commitment to world-leading pipeline safety. As does Canada's commitment of \$65 million in new funding (over five years) to support activities and priorities of the Indigenous Advisory and Monitoring Committee for the Trans Mountain Expansion project, which provides a mechanism for Indigenous communities to provide advice to federal regulators, and participate in the monitoring of the existing line, the expansion project, and the associated marine shipping.

The world-leading federal regimes, and related ongoing investments, have allowed Canada to maintain the highest standards to protect Canadians from spills of petroleum and other products. On land, where gaps in the provincial system are identified, it will be essential for British Columbia to ensure alignment with federal jurisdiction for railways, the transportation of dangerous goods, and pipelines to avoid unnecessary duplication between regimes, and, most importantly, to minimize the risk of confusion among regulated parties, responders and stakeholders which could compromise spill response and undermine public confidence.

In the marine sector, where Canada's strong marine safety system and federal jurisdiction are clear – and fully aligned with our international obligations – we welcome British Columbia's efforts where the land and water regimes interface and where the province has identified gaps in its provincial system.

It is essential that British Columbia's proposal not impair Canada's jurisdiction in these areas or conflict in any way with the federal regime. The Government of Canada will continue to exercise its jurisdiction for railways, the transportation of dangerous goods, pipelines, and the marine sector in a way that considers the benefits to Canadians across the country. The Government of Canada is unequivocal that, while British Columbia can legislate to ensure its

provincial interests are addressed, any provincial regulation or legislation enacted by British Columbia needs to respect federal jurisdiction.

## **OIL SPILL RESPONSE SCIENCE AND RESEARCH**

Collectively, the Government of Canada has dedicated approximately fifty scientists, technologists, chemists and engineers in four major programs to study oil spill behaviour and recovery technologies. The Government continues to be active in this space and can engage British Columbia by facilitating the dialogue and increasing their knowledge on current research findings.

Since 2012, the Government of Canada has been conducting studies to determine the fate, behaviour, potential impacts, and effectiveness of response techniques on a variety of heavy oil products. In particular, research on the behaviour of diluted bitumen expanded substantially, and this work is continuing with further investments under the Oceans Protection Plan. This research has ranged from lab- and pilot-scale test of oil spill behaviour to field trials and evaluations of response technology. We continue to increase our investments in science and research initiatives aimed at improving the safe transport of oil products, spill recovery, and response.

Federal scientists have published or presented over sixty papers on diluted bitumen science in peer-reviewed fora. They have informed decisions for major projects, such as oil transportation via oil tankers, pipelines and rail. Research undertaken by federal government scientists has improved our understanding of the fate and behaviour of a number of diluted bitumen products should they spill into marine or fresh waters. This research has contributed to an increased understanding of issues such as the physical and chemical properties of fresh and weathered diluted bitumen, interactions with sediments and shoreline materials, the applicability of certain countermeasures to respond to diluted bitumen spills as well as shoreline characterization and penetration and retention of diluted bitumen on shorelines.

Most importantly, through this ongoing work, we can improve our predictions of the fate and behaviour of spilled petroleum products (both conventional and non-conventional), and to better understand the effectiveness of specific response tools. This knowledge, coupled with hydrodynamic models, can help predict what can happen to the oil when spilled, thereby informing oil spill contingency planning, environmental assessments and monitoring. This knowledge is also used by spill response personnel to place equipment strategically to protect vulnerable shorelines and to guide responders in determining the best response plans and most effective spill response technologies.

## **FEDERAL REGIMES RELATED TO PREVENTION AND RESPONSE**

The *Railway Safety Act*, the *Pipeline Safety Act*, the *National Energy Board Act*, the *Canada Shipping Act, 2001*, the *Marine Liability Act*, as well as the *Canadian Environmental Protection Act, 1999*, establish a comprehensive world-leading federal regime in Canada related to the transportation of petroleum and other products.

The highest safety and security standards are in place in all modes of transportation to prevent incidents and accidents, while enabling rapid, science-based planning and response actions in the unlikely event of a spill.

This robust federal system is built on the "polluter pays" principle, whereby the industry transporting the product is responsible for costs related to cleanup and pollution damage. Further, a world-leading suite of liability and compensation measures is in place, addressing activities under federal jurisdiction and protecting Canadians from damages and costs associated with spills.

## **Marine Sector**

The national ship-source oil spill regime is comprised of three key areas: prevention, preparedness and response, and liability and compensation. This world-leading regime has its foundation in international obligations and is built on international and domestic cooperation and standards. Transport Canada is the regulator responsible for ensuring the regime is comprehensive and aligned with other transportation regimes across the country and internationally. The Canadian Coast Guard is the on-water operator to ensure responses to marine incidents are effective, efficient and appropriate. Fisheries and Oceans Canada, Environment and Climate Change Canada and Natural Resources Canada provide the scientific expertise to support the system. Through new legislation and major investments, such as the Oceans Protection Plan, the Government of Canada is dramatically strengthening this already robust regime.

The more than 100 regulations, 30 acts and international agreements and commitments that make up Canada's marine safety regime, are first and foremost focused on preventing accidents from occurring. Canada's robust inspection and oversight regime, as well as clearly defined compulsory marine pilotage areas, that ensure Canadian pilots familiar with local waters and appropriate travelling speeds are onboard transiting vessels, are ways in which the federal regime keeps marine incidents from occurring.

Canada also has clear requirements related to response planning. Ship-owners are required to have plans in place which detail their response efforts should an on-water spill occur and are also responsible for having agreements with certified Response Organization who provide oil spill response services on behalf of the polluter. These plans, certified by Transport Canada, include the identification of their Geographic Area of Response, and the response capacity.

Should the polluter be unable, unwilling or unknown, the Canadian Coast Guard is ready and well positioned to deploy its strategically located vessels, equipment, and highly trained personnel to protect the marine environment. The Government of Canada is investing in the Canadian Coast Guard with the Oceans Protection Plan to further enhance our ability to respond to oil spills. This includes adding two new emergency towing vessels in the West Coast, building new lifeboat stations, buying state-of-the-art equipment, and training more people to protect British Columbia's coastline.

Similar to the other systems in Canada, the ship-source oil spill response system is built on the "polluter pays" principle making polluters responsible for spills in Canadian waters and ensuring they have the resources in place to cover their obligations. The Government of Canada

continues to make improvements to the *Ship-Source Oil Pollution Fund* to ensure unlimited industry-funded compensation is made available to those affected by ship-source and mystery-source spills. This ensures maximum financial protection for taxpayers and makes it one of the most robust and comprehensive systems in the world.

### **Railways and Surface Transportation**

Under the *Railway Safety Act*, railway companies are responsible for the safety of their rail line infrastructure, railway equipment, and operations. This includes ongoing inspections, testing, and maintenance programs in accordance with regulatory requirements, as well as any particular operating and environmental conditions.

Transport Canada's role is to monitor railway companies for compliance with rules, regulations, and standards through audits and safety inspections. The department conducts approximately 33,000 oversight activities, including audits and inspections every year.

The Government of Canada has made significant and dramatic improvements to the regime in recent year. Taking concrete steps to strengthen the rail safety regime in Canada through regulatory and legislative reform, including increasing the amount of inspections; lowering speed limits on trains transporting dangerous goods through municipalities; implementing requirements which provide municipalities with information about dangerous goods travelling through their communities; introducing new rules on train securement; new tank car regulations; and, providing the Minister of Transport and inspectors new powers to order railway companies to take corrective measures when safety is found to be an issue.

Canada's rail liability and compensation regime is already robust, and establishes important measures such as minimum levels of insurance for rail operators, up to \$1B for railways carrying substantial amounts of specified dangerous goods. This world leading regime is supplemented by the *Fund for Railway Accidents Involving Designated Goods* which has no limits.

In addition to railway safety, the Government of Canada has a robust compliance and response program that requires dangerous goods to be properly classified and transported in the appropriate means of containment. The program sets out the parameters for *Emergency Response Assistance Plans* for anyone transporting or importing dangerous goods, which includes petroleum and other products. The Government of Canada continues to work to strengthen its oversight and preparedness program for dangerous goods, including through recent regulatory amendments.

### **Pipelines**

Canada now has one of the most rigorous and effective pipeline safety systems in the world. While our primary objective is incident prevention, we have also established a world leading preparedness and response system *and* a comprehensive liability and compensation regime to ensure that Canadians are protected from costs and damages and that the environment is protected in the event of a spill. Many of these measures were introduced as part of the *Pipeline Safety Act* which holds industry to among the highest standards.

Creating a culture focused on safety and prevention of incidents is paramount. We have updated and strengthened rules relating to activities around pipelines to prevent incidents; implemented Administrative Monetary Penalties; and, made public information on the use of best available technologies in pipeline construction and operations.

On preparedness and response, we have set out clear and comprehensive regulatory requirements supported by rigorous regulatory oversight. Companies must have a comprehensive Emergency Management Program in place that includes consideration of potential effects on any potentially impacted area (e.g., marine and freshwater environments). The National Energy Board can also establish requirements for a Geographic Response Plan. Companies must involve local communities, including Indigenous communities and first responders in planning and operations.

The *Pipeline Safety Act* enshrines the "polluter pays" principle in law so that polluters, not Canadian taxpayers, are financially responsible for the costs and damages they cause. Companies are responsible for all actual losses or damages incurred by any person; costs incurred by government (federal or provincial) or any Indigenous governing body; as well as costs associated with the loss of non-use values which consists of public resources such as a national park or eco-system.

In addition, federally-regulated pipeline companies will be automatically responsible, up to set limits, no matter who or what causes an incident. For operators of major oil pipelines, this is set at \$1 billion (limits for other companies to be set out in regulations). This means no determination of fault or negligence is required before action is taken to respond to a spill. Companies must also prove they have the financial resources to match their liability. In an exceptional circumstance where a company is unable or unwilling to respond to an incident, the National Energy Board would have the authority to take over control if the Governor in Council agrees. Any costs would be 100% cost-recovered from industry.

A concrete demonstration of the Government of Canada's commitment to safe and secure pipeline operations is federal approval of the Trans Mountain Expansion Project that was subject to over 150 conditions. For example, Trans Mountain is required to consider response times and geographic response plans; to file updates to its Emergency Management Program; to file an Emergency Preparedness and Response Exercise and Training Program; and, to complete a full-scale emergency response exercise for specific scenarios. The National Energy Board's exercise evaluations will be made publically available on its website.

The Government of Canada takes its responsibilities seriously to ensure a strong economy and a clean environment go hand-in-hand for the benefit of all Canadians. Canada is internationally recognized as a sound place to invest, and getting our resources to global markets is critical for creating good middle-class jobs. We stand by our commitments to British Columbians and all Canadians to implement world-leading measures to protect the environment and our coasts. The prevention, preparedness, response, liability and compensation measures that we have advanced ensure that Canada maintains the highest safety and security standards in all modes of transportation.



## **ANNEX XX – OIL SPILL RESPONSE SCIENCE AND RESEARCH**

The Government of Canada has several ongoing science and research initiatives related to oil spill preparedness and response. This includes increasing the investment in improving the security of transport of oil products, spill recovery and responses, by focusing research on the fate, behaviour and effects of various oil products in different spill conditions and under extreme Canadian climates.

Through the \$1.5 billion investment in the Oceans Protection Plan the Government of Canada is putting in place the resources, processes, and training regimes to reduce the potential for an oil spill to occur along our coastlines. However, in the event of a spill, it is important to have in place the spill response protocols and technologies needed to respond quickly and effectively. This investment is extending the investment in managing oil spills that began in 2012.

The Government recognizes the importance of ensuring spill responders have the information needed to predict the trajectory of a spill, determine the best response plans and actions, and be equipped with the best spill response technologies and equipment. It is important to understand the impacts on the environment in order to focus longer-term environmental remediation efforts. Researchers in federal departments are carrying out studies to determine the fate, behaviour, and potential impacts of spilled oil, both conventional and non-conventional, bringing their unique expertise and resources to different aspects of the issue.

### **1. Oil Spill Behaviour Science**

Since 2012, significant research has been conducted by Fisheries and Oceans Canada, Environment and Climate Change Canada, and Natural Resources Canada to better understand the fate, behaviour and effects of diluted bitumen spills.

Research undertaken by federal government scientists over the past five years has vastly improved our understanding of the fate and behaviour of a number of diluted bitumen products should they spill into marine or fresh waters. This knowledge includes; physical and chemical properties of fresh and weathered diluted bitumen, interactions with sediments and shoreline materials, the applicability of certain countermeasures to respond to diluted bitumen spills, shoreline characterization, and penetration and retention of diluted bitumen on shorelines. Additionally, we are better able to predict the fate and behaviour of spilled diluted bitumen, utilizing this new knowledge and employing enhanced meteorological and hydrodynamic data in improved spill models.

Federal scientists, in collaboration with colleagues in other levels of government, academia, and the private sector, have made considerable progress, publishing more than 60 peer-reviewed papers or conference presentations. In addition, there are 30+ additional peer-reviewed papers published by external organizations. These studies on the fate and behaviour of spill hazardous materials including oil and related petroleum spills provide information and data that informs oil spill emergency responders, regulators, academics, environmental non-governmental organizations, Canadians and Indigenous Peoples.

For example, over the past four decades, Environment and Climate Change Canada has built one of the world's leading oil spill research programs. Environment and Climate Change Canada's Emergencies Science and Technology Section has extensive experience and expertise in the study of oil fate and behaviour, physical/chemical properties, petroleum forensics, spill countermeasures, field response, and oil spill modelling.

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The Open Government data portal is one of the mechanisms being used to provide access to the data resulting from studies conducted by federal government scientists.

Two examples of these data are:

Physiochemical properties of petroleum products database;  
<https://open.canada.ca/data/en/dataset/53c38f91-35c8-49a6-a437-b311703db8c5>

Shoreline classification data including that for the Northern British Columbia Coastline is included in the links below. Additional information and supplementary data including videos and photographs will be added shortly.

<b>Open Government Portal</b>
<i>Shoreline Segmentation with Shoreline Cleanup Assessment Technique (SCAT) Classification</i>
<i>Atlantic Shoreline Classification</i>
<i>Ontario Shoreline Classification</i>
<i>Quebec - Saint-Lawrence River - Shoreline Classification</i>
<i>Northern Canada Shoreline Classification</i>
<i>North Coast of British Columbia Shoreline Classification</i>

Environment and Climate Change Canada hosts the annual Arctic and Marine Oilspill Program Technical Seminar on Environmental Contamination and Response as a platform to discuss spill related issues including diluted bitumen. The 41<sup>st</sup> Arctic and Marine Oilspill Program Technical Seminar will take place in Victoria, British Columbia in October 2018 to highlight the importance the government places on public concerns and facilitate dialogue.

## **2. Oil Spill Response Technology**

The Government of Canada is committed to ongoing science work related to hydrocarbons and spill response. This includes increasing investments in improving spill response technologies.

This commitment includes \$5M funding from Natural Resources Canada of external technology development under the *Oil Spill Response Science Program*. These projects are focused on improving recovery technologies and processes for the clean-up of heavy oil products spilled in marine environments. These projects, undertaken in collaboration with academia, industry and oil spill responders, will help build more solutions into this space.

Through the *Oil Spill Response Science Program*, Natural Resources Canada has provided funding of more than \$925,000 to BC Research Inc. in Richmond, British Columbia. BC Research Inc. is partnering with NORAM Engineers and Constructors and the University of British Columbia to accelerate the development of a hybrid spill-treating agent as a rapid response agent to combat large-scale marine oil spills.

More recently, one of the tasks under the Oceans Protection Plan being led by Fisheries and Oceans Canada, will focus on a study of alternative oil spill response measures, through a \$45M multi-partner research initiative. This initiative is aimed at addressing knowledge gaps in oil spill research that will bring together a national/international network of scientists from:

- Academia;
- Industry; and,
- Other government agencies.

The deliverables from this program will support the consideration and potential use additional tools for emergency spill response. The program will also enhance the level of science-based decision making in oil spill response operations based on a determination of net environmental benefit in order to reduce, eliminate and/or mitigate impacts to aquatic environments and their living resources.

### **3. Dangerous Goods**

Transport Canada is conducting scientific research related to the transport of petroleum crude oil. Collaborating with such industries as the Canadian Crude Quality Technical Association, Transport Canada is studying crude oil variability in flammability and its risks during transport, as well as developing a field tester to measure hydrogen sulfide gas concentration that may evolve in the vapour space of a petroleum crude oil container.

Transport Canada is conducting numerous research projects to improve the safety of the transportation of dangerous goods. Some projects include assessing the behaviour of crude oil in various conditions and containers, investigating tank car steels, and the modelling of a cryogenic UN Portable Tank during fire testing.

### **4. Support to Emergency Response**

Fisheries, Oceans and the Canadian Coast Guard provides support to the emergency response regime through leadership, scientific expertise and facilitates the consideration of effect oil spills on Canada's coastal, marine, and estuarine ecosystems. Fisheries, Oceans and the Canadian Coast Guard enhances knowledge for science-based decision making in oil spill response operations through several initiatives, including:

- Scientific advice offered through the *Canadian Science Advisory Secretariat* peer reviewed process;
- Environmental Incident Coordinator Program;
- Centre for Offshore Oil, Gas and Energy Research;
- National Contaminants Advisory Group;
- Multi-Partner Oil Spill Research Initiative and Alternative Response Measures; and
- Coastal Environmental Baseline Program.

The *Canadian Science Advisory Secretariat* coordinates the production of peer reviewed science advice for Fisheries, Oceans and the Canadian Coast Guard. Recently, peer reviewed science advice has been developed or is currently being developed on a number of important topics, for example:

- Identifying how shipping activities may potentially impact the marine and freshwater environment by examining the activities that are involved, the type of cause-effect

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relationships that are known to exist; and the mechanisms that ultimately lead to effects in the aquatic environment. Each pathway represents an area where mitigation measures can be applied to reduce or eliminate a potential effect including in prevention and response.

- Improving our understanding of vulnerable ecosystems and fate and effects of oil products. This includes an overview of oil properties and effects to aquatic biota, the development of a framework to assess vulnerability of biological components to oil spills in the marine environment, identifying research requirements for the biological effects of oil and gas in the marine environment, identification and re-assessment of Ecologically and Biologically Significant Areas and Ecologically Significant Species.
- Updating the state of knowledge of the fate and behaviour of diluted bitumen in the aquatic environment.

The Government of Canada's Oceans Protection Plan is investing additional resources for increased capacity to provide more comprehensive support to the marine emergency response regime, including for planning and preparedness through to recovery and restoration.

Specifically, the Environmental Incident Coordinator Program has been established to enhance Fisheries, Oceans and the Canadian Coast Guard's participation in the existing marine emergency response regime. Environmental Incident Coordinators:

- Support a well-informed planning and preparedness regime;
- Participate in response exercises to test and train responders;
- Provide technical expertise and support to responders;
- Facilitate the provision of scientific advice during a response;
- Act as liaison with other partners within the emergency response regime, including the Province; and
- Relay information back to Fisheries and Oceans regionally as well as with national counterparts to continue to inform and improve on the response process.

The Centre for Offshore Oil, Gas and Energy Research performs collaborative research to support evidence-based decision making, including: predicting the fate, behaviour and interaction of petroleum products in the environment; and testing various techniques to mitigate the impacts of oil spills on ecosystems.

The National Contaminants Advisory Group engages with experts from various sectors to better understand the biological effects of oil and gas contaminants and the use of countermeasures for oil spills on aquatic organisms and resources.

Under the Government of Canada's Coastal Environmental Baseline Program, two pilot sites in the Province of British Columbia (Port of Vancouver and Port of Prince Rupert) have been identified for the collection of new data to characterize the ecosystem and develop a baseline of information that may be used to inform decision-making, including a cumulative effects of marine shipping framework and other assessments. This work is being developed in collaboration with Indigenous and coastal communities.

## **ANNEX XX – SURFACE TRANSPORTATION REGIME RELATED TO SPILL MANAGEMENT**

The Government of Canada is responsible for the safety oversight of railways under federal jurisdiction, such as railways that cross provincial or international boundaries, and for developing a robust regulatory framework to ensure rail safety. Transport Canada actively promotes a strong rail safety culture within federally regulated companies by monitoring industry's compliance with legal requirements, as well as their railway operations, with the objective of preventing rail-related accidents and incidents.

The Government of Canada's primary objective for the rail safety regime is prevention of accidents, including accidents involving the transportation of dangerous goods. This is consistent with one of the stated objectives of the *Railway Safety Act* which is to "promote and provide for the safety and security of the public and personnel, and the protection of property and the environment, in railway operations."

In Canada, the transport of dangerous goods is regulated under the *Transportation of Dangerous Goods Act, 1992* and the subsequent *Transportation of Dangerous Goods Regulations*. The *Transportation of Dangerous Goods Act, 1992* applies to the import, offer for transport, handling and transport of dangerous goods by all modes of transport – air, marine, road and rail (The *Transportation of Dangerous Goods Act, 1992* does not apply to dangerous goods that are transported by a pipeline or confined only by the permanent structure of a vessel).

In addition, the *Transportation of Dangerous Goods Act, 1992* allows Transport Canada to come into agreement with Provinces and Territories on the administration of the Program and the *Transportation of Dangerous Goods Regulations*, adopted by all provinces and territories, establishes the safety requirements for the transportation of dangerous goods.

Dangerous goods will continue to move across Canada by road, rail, water, and air. These shipments range from industrial chemicals to manufactured goods and, while indispensable to our modern way of life, they can pose a threat if not handled safely. Transport Canada is the focal point for the national program to promote public safety during the transportation of dangerous goods. Transport Canada has a robust compliance and response program that is responsible to conduct inspections, investigations, and enforcement activities to ensure that all who handle or transport dangerous goods comply with *Transportation of Dangerous Goods Regulations*. It also serves as the major source of regulatory development, information and guidance on dangerous goods transport for the public, industry and government employees.

The *Transportation of Dangerous Goods Act, 1992* requires dangerous goods to be properly classified and transported in the appropriate means of containment. Additional requirements include proper documentation, safety marks, training, reporting and *Emergency Response Assistance Plans* (often referred to as *Emergency Response Assistance Plan*), if applicable. The *Transportation of Dangerous Goods Act, 1992* is focused on preventing releases of dangerous goods under normal conditions of transport while ensuring an appropriate response capability exists in the event of an actual or anticipated release.

The Government of Canada has taken concrete and recent steps to strengthen the rail safety regime in Canada through regulatory and legislative reform and improved inspection capacity. Similarly, the transportation of dangerous goods regime continues to be improved through regulatory amendments and alignment with other relevant federal regimes (e.g., marine sector).

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Separately and in addition to steps taken under safety legislation as described above, the Government of Canada has also acted to strengthen the liability and compensation regime for federal railways, which is set out in the *Canada Transportation Act*. This regime, which includes elements currently specific to accidents involving crude oil, is also discussed in this annex.

## 1. RAIL SAFETY AND ACCIDENT PREVENTION

Amendments to the *Railway Safety Act*, most of which came into force on May 1, 2013 provided Transport Canada greater oversight and enforcement capacity and clarify the Minister's authority and responsibilities with respect to rail safety. For example, the amendments ensure that all companies operating on federal track are subject to the same high degree of safety requirements. The Act was further amended June 18, 2015 to enhance rail safety. For example, the Act was amended to provide the Minister with the authority to issue a Ministerial Order requiring a company to take corrective measures if it is believed to be implementing its Safety Management System in a way that could compromise railway safety.

On February 12, 2016, Transport Canada approved the *Rule Respecting Key Trains and Key Routes*. The objective of the rule is to further strengthen railway safety by reducing the risks and impacts of rail accidents involving dangerous goods. In addition to imposing speed limitations, the rule emphasizes track maintenance, risk assessments, and allows for the incorporation of safety and security concerns of municipalities and other levels of local government in risk assessments to be conducted by railway companies.

Under these rules, railway companies must restrict the speed of their trains carrying large volumes of dangerous goods to:

- a maximum of 80 kilometres per hour at all times, and
- a maximum of 64 kilometres per hour in highly urbanized areas and when transporting certain dangerous goods in DOT-111 tank cars through higher risk areas.

On April 1, 2015, new *Safety Management Systems Regulations* came into force, requiring companies to integrate safety into day-to-day company operations, which includes elements such as the requirement to have a safety policy, safety targets, a risk assessment process, and monitoring procedures. Specifically, a railway company must conduct a risk assessment when beginning to transport dangerous goods, transporting dangerous goods different from those already carried, increasing the volume of dangerous goods carried, or changing the route on which dangerous goods are transported.

Also in 2015, Transport Canada approved revised Rule 112 of the *Canadian Rail Operating Rules* on train securement which made prominent requirements, establishing additional layers of defence to secure trains and further reduce the risk of runaway trains. The revised rule provides industry with a comprehensive handbrake application chart and additional physical measures to secure railway equipment. The rule came into effect on October 14, 2015.

In 2015, the Minister of Transport introduced a requirement that all federally regulated railway companies and provincially regulated railway companies operating on federally regulated track hold a valid *Railway Operating Certificate* in order to operate in Canada. Among the requirements to obtain a *Railway Operating Certificate*, companies must attest that they have:

- a) the human and financial resources to operate and maintain a railway at the highest level of safety, and

- b) a safety management system that meets the requirements of the Railway Safety Management System Regulations, 2015.

The *Railway Safety Administrative Monetary Penalties Regulations* are designed to encourage regulatory compliance by having a monetary cost for contraventions of the *Railway Safety Act*, and regulations and rules made under the *Act*. The regulations came into force April 1, 2015. *Railway Administrative Monetary Penalties* are fines issued by Transport Canada to corporations and individuals. Penalties are based on the severity of the violation. The maximum amount is \$50,000 for an individual and \$250,000 for a corporation.

Transport Canada has also strengthened its Rail Safety Inspectorate by increasing the number of inspectors and improving training. Transport Canada audits and inspects railway companies to verify they follow the rules, regulations, and standards that apply to them. Every year, Transport Canada conducts approximately 33,000 inspections of grade crossings, locomotives, freight and passenger cars, tracks, bridges and train crews. This includes more than 3900 inspections conducted in British Columbia between March 2017 and March 2018.

Transport Canada hired additional inspectors with functional specialization in track, crossings and signals to expand Transport Canada's capacity. Transport Canada also increased its capacity to audit Safety Management Systems of railway companies by hiring additional auditors. Furthermore, from a regulatory perspective Transport Canada is taking steps to address human factors risks in the rail industry through on-going work on fatigue in operating crews and Bill C-49, that will mandate the installation of locomotive voice and video recorders onboard locomotives, with a view to enhancing safety and preventing accidents.

In 2016, the Minister of Transport announced more than \$20 million of funding under the *Rail Safety Improvement Program*. Funding was used to support 131 projects covering safety improvements on rail crossings and along rail lines, the use of innovative technologies, research and studies to improve rail safety, closures of grade crossings, and public education and awareness initiatives. Of the projects approved, 23% of the funding was allocated to projects in British Columbia.

The *Rail Safety Improvement Program* provides grant and contribution funding to improve rail safety and reduce injuries and fatalities related to rail transportation. The program funds:

- Safety improvements to existing rail lines;
- Closures of grade crossings; and
- Initiatives to raise awareness about rail safety issues across Canada.

The program has two key components:

- The infrastructure, technology and research component funds projects that address the immediate rail safety needs of communities, and
- The public education and awareness component funds public education projects aimed at reducing railway-grade crossing collisions and trespassing incidents on railway property, particularly in high-risk areas.

## **2. EMERGENCY RESPONSE ASSISTANCE PLAN (ERAP)**

The *Transportation of Dangerous Goods Act*, 1992 provides that anyone responsible for a means of containment (e.g., a driver, a company representative, a shipmaster, a train operator,



etc.) has the duty to report any spills or anticipated incidents, loss or theft of dangerous goods that endanger, or could endanger, public safety.

In addition, the *Transportation of Dangerous Goods Act, 1992* requires that before a person offers for transport or imports certain dangerous goods, they must have an approved *Emergency Response Assistance Plan*. An *Emergency Response Assistance Plan* outlines the response to a release or anticipated release of the dangerous goods while in transport. It is designed to make the technical knowledge of the industry and its resources, such as equipment and response personnel, more accessible for first responders in the interest of public safety.

*Emergency Response Assistance Plans* are now required for the rail transport of flammable liquids, such as crude oil, ethanol, diesel, gasoline, and aviation fuel.

Transport Canada has developed a powerful approach to preventing and responding to dangerous goods incidents. Over the past few years, Transport Canada has strengthened its oversight program, including the hiring of close to 90 inspectors, resulting in approximately 5,200 inspections; an increase of 120% since 2013-2014. In 2017-2018, an estimated 864 inspections will be completed in the Pacific region; an increase of 83% from the planned total of 476 inspections in 2013-2014. In 2018-2019, Transport Canada is planning approximately 1,025 inspections in the Pacific region; an increase of 115% from 2013-2014.

In addition, Transport Canada's *Canadian Transport Emergency Centre*, most commonly known as CANUTEC, provides remote technical emergency response advice during dangerous goods incidents in all modes of transport on a 24/7 basis, including security-related events. It provides advice primarily to first responders during incidents involving dangerous goods.

### **3. LIABILITY AND COMPENSATION**

The *Canada Transportation Act* was amended in 2015 to set out a robust regime for rail liability and compensation comprising two tiers. The first tier prescribes minimum levels of insurance that federally regulated freight railways must carry based on the type and volume of dangerous goods they transport, enforceable by administrative monetary penalties of up to \$100,000 per violation for non-compliance. These risk-based minimums range from \$25 million for railways carrying limited or no dangerous goods, up to \$1 billion for railways carrying substantial amounts of specified dangerous goods. This currently applies primarily to Canadian National and Canadian Pacific. For accidents involving crude oil, railways are held liable up to their required insurance level, without requiring proof of fault or negligence.

The railway insurance levels established under the regime are expected to cover costs for the vast majority of accidents. However, in the event that damages from a rail accident involving crude oil exceeded the railway's required insurance level, the second tier – a supplementary, shipper-financed compensation fund – would cover all remaining damages.

There is no limit on claims to this fund, titled the *Fund for Railway Accidents Involving Designated Goods*. In the unlikely event that accident damages were more than the railway's insurance coverage and the amount in the *Fund* combined, the Government of Canada's *Consolidated Revenue Fund* could be called upon as a backstop.

The two-tier regime represents a strengthened approach to federal rail liability and compensation developed following the devastating Lac-Mégantic derailment of 2013. The



Government of Canada Response to British Columbia's  
Policy Intentions Paper for Engagement

**DRAFT**

April 9, 2018

railway involved in that accident had insurance inadequate to the scope of damages. The enhanced regime is meant to ensure that in the event of future rail accidents, sufficient resources will be available to adequately compensate victims, pay for clean-up costs, and protect taxpayers. It provides greater certainty for victims of crude oil accidents by taking a no-fault approach to railway liability, whereas previously this was determined by the courts, and by establishing a fund that allows unlimited compensation. This enhanced federal regime aligns with the "polluter pays" principle at the heart of liability regimes in other modes and sectors in Canada, such as pipelines and ship-source oil spills.



Ministry of  
Environment and  
Climate Change Strategy

*Current spill management system (phase 1) 09:15-10:45*





Ministry of  
Environment and  
Climate Change Strategy

## *Current spill management system (phase 1) 09:15-10:45*

- Federal systems and context
- Pillars of spill management
- Existing legislation and regulations
- Phase approach to improving spill management
- Overview of phase 1 improvements

# Government of Canada Activities Related to Spill Management

- Canada has established world-leading marine, rail and pipeline regimes for the transportation of petroleum and other products
  - These include robust liability and compensation regimes to ensure taxpayers are protected from costs and damages
- The federal regimes continue to be advanced and improved through programs like the Oceans Protection Plan
- Underlying each regime is extensive scientific research which allows Canada to maintain the highest standards to protect Canadians from spills

**Note:** Further details on Federal regimes in marine, rail and pipelines are outlined in the *Government of Canada Activities Related to Spill Management* document distributed to participants



# Government of Canada – Oil Spill Response Science and Research

- The Government of Canada has significant scientific and research capacity studying oil spill behaviour and recovery technologies
  - Leverages partnerships with International organizations, other government agencies, industry and academia
- Peer-reviewed research undertaken by federal government scientists has improved understanding and informed decision making on major projects
- Scientific knowledge is used by spill response personnel to protect vulnerable shorelines and determine the best response plans and spill response technologies to put into place

Canada

## Federal Regimes - Marine

- Canada already has a robust marine safety regime built on international and domestic cooperation and standards, and comprised of three key areas: prevention, preparedness and response, and liability and compensation, which include:
  - Vigorous inspection and oversight regime focused on preventing accidents
  - Requirement for ship owners to have certified plans and agreements in place to address a spill in the unlikely event one occurs
  - World-leading “polluter-pays” liability and compensation requirements ensure shippers have the resources in place to cover obligations, with unlimited industry funded compensation for those affected

Canada

# Federal Regimes – Railways and Surface Transportation

- The federal government ensures railway companies are responsible for the safety of their infrastructure and operations
- Dramatic improvements in recent years:
  - Increased inspections, lowering speed limits on trains containing dangerous goods through municipalities, new rules for train securement, new tank car regulations, powers to order railways to take corrective action
- A robust compliance and response program exists requiring Emergency Response Assistance Plans for anyone transporting dangerous goods
- Canada's rail liability and compensation regime requires minimum levels of insurance up to \$1B for significant amounts of specified dangerous goods

Canada

## Federal Regime - Pipeline

- The federal regime is one of the most rigorous and effective pipeline safety systems in existence
- Canada's primary objective for pipeline safety is the prevention of incidents, but have established a world-leading preparedness and response system in the unlikely event an incident occurs
  - Monetary Penalties and sharing of technologies to prevent accidents from occurring
  - Rigorous oversight and requirements for companies to have Emergency Management Plans to prepare for and respond to an incident
  - "Polluter pays" liability and compensation regime with no fault limits up to \$1B
- Many new or enhanced measures were introduced as part of the *Pipeline Safety Act* which holds industry to among the highest standards

Canada



# Federal - Provincial Collaboration

- The Government of Canada is committed to ongoing improvement of these world-leading regimes, as demonstrated via:
  - historic recent investment of \$1.5 billion in the national Oceans Protection Plan for the protection of our vital coastal ecosystems, and marine safety (prevention and response) further enhancements
  - recent measures under the *Pipeline Safety Act* and amendments to the *National Energy Board Act* further adding to world-leading pipeline safety
- The Government of Canada takes its responsibilities to ensure a clean environment and a strong economy very seriously – we share the province’s goal of safeguarding Canada’s coasts and ecosystems
- The Government of Canada is providing input into this provincial consultation process and welcomes British Columbia’s efforts where the land and water regimes interface and where the province has identified gaps in its provincial system

Canada

## **ANNEX XX – MARINE REGIME RELATE TO SPILL MANAGEMENT**

The Government of Canada is accountable to the Canadian public to ensure that the public interest is being protected in the event of a marine pollution incident. Canada's ship-source oil spill prevention, preparedness, response, and liability and compensation regime is already well established.

This robust regime is primarily administered by Transport Canada and the Canadian Coast Guard, while Fisheries and Oceans Canada, Environment and Climate Change Canada, and Natural Resources Canada provide scientific expertise to support the system.

This regime has been highly effective in responding to marine pollution incidents in all regions of Canada and utilizes a collaborative approach for marine pollution response that incorporates federal, provincial, municipal, Indigenous Peoples, and private sector partners to ensure an appropriate response.

Canada's marine regulatory regime is built on international and domestic cooperation, and is supported by more than 100 regulations enabled by almost 30 Acts as well as international agreements and commitments. Canada has been a member of the International Maritime Organization<sup>1</sup> since 1948 and is a signatory to agreements which establish standards and best practices for prevention, preparedness, response, compensation, and cooperation. Implementation of our national spill response regime is guided by these standards and we work closely with international partners, both in planning and during operations.

The regime sets the guidelines and regulatory structure for the preparedness and response to marine oil spills and ensures that industry is prepared for and responds to spills in Canadian waters. For example, prescribed vessels and oil handling facilities, must have an arrangement with a Transport Canada certified Response Organization that would respond to a spill on the polluter's behalf. There are four Response Organizations in Canada that service Canadian waters south of the 60<sup>th</sup> parallel that are certified every three years by Transport Canada. Response Organizations maintain strategically located response equipment, trained responders, response plans and conduct exercises on a regular basis.

Finally, the national ship-source oil spill regime is based on the "polluter pays" principle, whereby the polluter is responsible for costs related to cleanup and pollution damage. This principle is implemented in Canadian law, with the intent to establish uniform rules that are consistent with international law and that balance the interests of ship-owners and other parties involved in a maritime accident.

### **1. International Framework**

Canada is a leading member of the International Maritime Organization. Recent investments through the Oceans Protection Plan have reinvested in Transport Canada's international engagement capacity to ensure that Canada remains a present and reliable partner, able to nurture and leverage international partnerships in support of Canadian interests and priorities.

The 1982 *United Nations Convention on the Law of the Sea*, ratified by Canada in 2003, provides a global framework for the oceans to protect the marine environment, delimit ocean

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<sup>1</sup> The International Maritime Organization is a specialized agency of the United Nations which is responsible for measures to improve the safety and security of international shipping and to prevent pollution from ships.

boundaries, and establish navigation rights and responsibilities. In addition to this convention, there are a number of other international conventions under the International Maritime Organization that have been ratified and implemented domestically, these include:

- The *International Convention for the Safety of Life At Sea* that sets out how a vessel is constructed, the safety equipment required on board and establishes security requirements.
- The *International Convention on Standards of Training, Certification and Watchkeeping for Seafarers* that sets out the competencies of a vessel's crew.
- The *International Convention for the Prevention of Pollution from Ships* that sets limits on a vessel's operational discharges and sets detailed technical standards for
  - Carrying and handling oil;
  - Carrying and handling noxious liquid substances in bulk;
  - Carrying packaged dangerous goods;
  - Managing vessel sewage discharges, garbage and air emissions.
- The *International Convention on Oil Pollution Preparedness, Response and Co-operation* provides a framework for dealing with pollution incidents, including oil pollution, either nationally or in co-operation with other countries; and
- Other international agreements on liability and compensation for oil spills.

## **2. Marine Safety and Incident Prevention**

The marine international framework underlies Canada's marine safety regime and plays an important role in the prevention of incidents. In order to implement this framework domestically and to ensure safe shipping in Canada, Transport Canada undertakes a number of activities related to the prevention of marine safety incidents and ship-source oil spills, such as developing laws and regulations and monitoring and enforcement.

The primary legislation that governs marine safety in Canada is the *Canada Shipping Act, 2001*. The Act protects the health and wellbeing of people and the environment, regulates marine transportation and provides authority to investigate and, if necessary, to prosecute. Other important marine legislations include: the *Pilotage Act*; the *Canada Marine Act*; the *Marine Liability Act*; the *Marine Transportation and Security Act*; the *Arctic Waters Pollution and Prevention Act*; the *Navigation Protection Act*; and the *Coasting Trade Act*.

The marine safety system is designed to prevent incidents from happening. This is achieved by establishing regulations, enacting vessel construction standards, conducting ship and equipment inspections, and establishing requirements for the competency of crews. As an example related to construction standards, Transport Canada ensures that all oil barges and tankers meet the double hull construction standards. This means that the bottom and sides of tankers have two complete layers of watertight hull surface, which helps maintain a vessel's watertight integrity if the outer hull is damaged and therefore reduces the likelihood of spills.

Ultimately, ship owners and the marine transportation industry are responsible for preventing oil spills under Canadian law and its supporting regulations. For example, the marine transportation industry must put in place procedures for safe operations onboard their ships, follow international rules for preventing collisions at sea, have up-to-date nautical charts, have a passage plan for each trip, be equipped with technology that allows Canada to monitor the ship's progress, and ensure that their officers and crews are properly trained, qualified, and competent.

This regulatory approach is supported by a number of federal programs intended to support the marine transportation industry, provide safe navigation, and prevent incidents. For example, the Marine Communications and Traffic Services centres provide distress and safety call monitoring and coordinate responses, broadcast maritime safety information (weather and navigational warnings), screen vessels entering Canadian waters, deliver information and advice to regulate marine traffic movement, and take appropriate action to ensure the safe and efficient movement of vessels in Canadian waters. In terms of preventing pollution, the National Aerial Surveillance Program has significantly contributed to the decrease in oil discharges in Canadian waters and runs frequent surveillance patrols.

All vessels, including tankers, must follow routing and reporting procedures on Canada's coasts. Tankers must also observe any voluntary exclusion zones, bans and other navigation restrictions. These requirements help to keep our coasts clean and safe. In addition to these prevention measures, the *Pilotage Act* establishes Pilotage Authorities, which among other things, establish compulsory pilotage areas. In these areas, vessels of certain types, including all tankers, must take certified pilots on board. These pilots have expertise in navigation, the handling characteristics of the vessels they are guiding, as well as expertise in navigating the local waterways.

### **3. Canada's Marine Oil Spill Preparedness and Response Regime**

Described as a public-private partnership, the Government of Canada provides the legislative and regulatory framework, including oversight of preparedness and response actions both before and during a spill, while industry bears the responsibility for funding, responding to, and cleaning up ship-source oil spills.

Transport Canada is the lead regulatory department that manages and governs Canada's Marine Oil Spill Preparedness and Response Regime. The Regime is designed to ensure that Canada maintains a robust level of preparedness and capacity to respond efficiently to a spill along any of its three coastlines, the Great Lakes, the St. Lawrence Seaway, and select inland waters.

Transport Canada's marine safety programs provide Canadians with a safe and efficient marine transportation system worthy of public confidence. The department administers a number of acts and regulations related to shipping and navigation and assists with the administration of many others. Given the international nature of marine trade, Canada's domestic regime is founded on international conventions, standards, and practices. Transport Canada:

- Provides regime management and oversight through the *Canada Shipping Act, 2001* and associated regulations and standards;
- Certifies Response Organizations
- Reviews Oil Handling Facilities emergency and preparedness plans for compliance with regulatory requirements;
- Applies and enforces regulations relating to Response Organizations, such as West Coast Marine Response Corporation;
- Applies and enforces regulations relating to Oil Handling Facilities;
- Oversees an appropriate level of national preparedness;

- Deters potential polluters and monitors marine oil spills through the National Aerial Surveillance Program<sup>2</sup>;
- Inspects all tankers above 150 tonnes and ships of 400 gross tonnes that carry oil as fuel or cargo to ensure they have shipboard oil pollution emergency plans and an arrangement with a Response Organization; and
- Enforces strict requirements for reporting pollution.

The Minister of Fisheries, Oceans and the Canadian Coast Guard has the authority for marine pollution response measures under the *Oceans Act*, and through the *Canada Shipping Act, 2001*. The Canadian Coast Guard is the lead federal agency for marine pollution response. Through its Environmental Response program, the Coast Guard is responsible for ensuring the cleanup of ship-source and mystery-source spills of oil and other pollutants into Canadian waters and the Canadian exclusive economic zone.

Standards currently exist for incident reporting (*Vessel Pollution and Dangerous Chemicals Regulations*) and assessment (Coast Guard Standard Operating Procedure). In the event of a ship or oil handling facility incident, the polluter must report the incident as required under the regulations of the *Canada Shipping Act, 2001*. The polluter would appoint an on-scene commander, or the Coast Guard can assume command. This is usually pre-identified in their oil pollution emergency plan or shipboard oil pollution plan.

Response actions for the marine environment under the current federal regime are comprehensive, integrated and well understood by responders operating under the Incident Command System methodology. As the lead agency for the federal government in response to marine pollution, the Coast Guard has the mechanisms to leverage an Incident Command structure as Incident Commander for response within Coast Guard's mandate, or a Unified Command structure that integrates key parties, including the polluter, First Nations and provincial and territorial governments when it is appropriate in the situation.

The Coast Guard has the authority and jurisdiction to respond to marine pollution events, and take over lead of a response if necessary because the polluter is unknown, unwilling or unable to respond appropriately.

Should the polluter be unable, unwilling or unknown, the Canadian Coast Guard is ready and well positioned to deploy its strategically located vessels, equipment, and highly trained personnel to protect the marine environment. The Government of Canada is investing in the Canadian Coast Guard with the Oceans Protection Plan to further enhance our ability to respond to oil spills.

#### *Greater Vancouver Integrated Response Plan*

The Greater Vancouver Integrated Response Plan for Marine Pollution Incidents is designed to serve as the guide for multi-agency on-water response to serious oil pollution events in the area of English Bay and Burrard Inlet, and reiterates that the Coast Guard is the lead federal agency to oversee the management of marine pollution spills. It is the product of an impressive cooperative effort by Federal Departments, First Nations, Provincial Ministries, Municipalities,

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<sup>2</sup> Transport Canada provides aerial surveillance over Canadian waters with three aircraft strategically located across Canada. Internationally, aerial surveillance is widely adopted and considered to be the most effective method for the detection of oil spills. Regular aerial surveillance flights have contributed significantly to the decrease in oil discharges at sea, as ships are increasingly aware that their illicit polluting activities can be detected. Visit <https://www.tc.gc.ca/eng/marinesafety/oep-ers-nasp-2195.htm>

the Port Authority and private enterprise, including the Vancouver Aquarium and Western Canada Marine Response Corporation. This Plan focuses on ship-source and mystery-source spills of liquid petroleum in the marine environment as covered under the Canada Shipping Act, 2001.

#### *Canada-United States Joint Marine Pollution Contingency Plan*

The Coast Guard works collaboratively with the United States Coast Guard through the Canada-United States Joint Marine Pollution Contingency Plan, which provides non-binding guidance for coordinating preparedness and response operations. This collaboration demonstrates the value and importance the coast guards bring to emergency planning, preparedness and response. The Joint Marine Pollution Contingency Plan has five geographic annexes which are under the oversight and responsibility of the respective Coast Guard Regional Director and United States Coast Guard District Commanders. British Columbia is covered by two separate annexes: CANUSPAC for the Pacific Coast, and CANUSDIX for the Dixon Entrance.

The Joint Marine Pollution Contingency Plan is reviewed annually and updated every five years or as necessary.

#### *North Pacific Coast Guard Forum*

The North Pacific Coast Guard Forum was founded in 2000 by Japan and Canada became a full member in 2001. The purpose of the forum is to facilitate multi-lateral cooperation of the member states on matters related to maritime safety and security in the marine environment of the North Pacific Ocean by sharing best practices, exchanging information, and staging on-water exercises. The forum is comprised of officials from maritime safety and security agencies of: Canada, China, Japan, Russia, South Korea and the United States. It has seven working groups: combatting illegal trafficking, combined operations, emergency response, fisheries enforcement, information exchange, maritime security and the secretariat. Canada chairs the fisheries enforcement working group and the Canadian Coast Guard leads the Canadian delegation which also consists of federal representatives from Fisheries and Oceans and the Canadian Coast Guard Conservation and Protection, the Canada Border Services Agency, and the Royal Canadian Mounted Police.

#### **4. Response Organizations**

Canada's Response Organizations are private entities established and funded by industry to respond to ship-source oil spills. Transport Canada issues a certificate of designation<sup>3</sup> to Response Organizations every three years based on a review of their plan to prepare and respond to spills of up to 10,000 tonnes within prescribed time standards and operating environments<sup>4</sup>. The Response Organizations are industry funded through a series of fees – an annual sum paid by vessels and Oil Handling Facilities – and a bulk oil cargo fee that is levied on vessels that carry oil as cargo.

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<sup>3</sup> Response Organizations and Oil Handling Facilities Regulations: <http://laws-lois.justice.gc.ca/eng/regulations/SOR-95-405/FullText.html>

<sup>4</sup> Response Organization Standards: <https://www.tc.gc.ca/eng/marinesafety/tp-12401-response-org-standards-4408.html>

To operate in Canadian waters south of the 60<sup>th</sup> parallel, prescribed vessels and Oil Handling Facilities of a prescribed class must have an arrangement in place with a certified Response Organization. This arrangement ensures a response in the event of a spill. Select inland waterways, as prescribed by each Response Organization's geographic area of response, are also covered by the regime. Along with an arrangement with a Response Organization, prescribed vessels are required to have a shipboard oil pollution emergency plan on board, official confirmation of an arrangement with a certified Response Organization, and a declaration identifying every individual authorized to invoke both the arrangement and the pollution emergency plan. Transport Canada's inspectors inspect foreign vessels on a risk basis for compliance with a wide range of safety requirements, including the requirement to have an arrangement with a Response Organization.

The requirement for a pollution emergency plan and arrangement with a Response Organization also applies to prescribed Oil Handling Facilities<sup>5</sup>. In addition, they must have on-site equipment to be ready to respond to an incident, as well as declaration describing the way in which the operator complies with the regulatory requirement and identifies every individual authorized to invoke both the arrangement and the oil pollution emergency plan. Transport Canada's emergency response officers inspect these facilities to ensure that the required arrangements and plans are on site and in compliance with regulatory requirements.

## **5. Protecting Marine Environments**

Fisheries and Oceans and the Canadian Coast Guard provides leadership and facilitates the development and implementation of plans for the integrated management of activities and for measures that affect Canada's coastal, marine, and estuarine ecosystems. Fisheries and Oceans and the Canadian Coast Guard administers the *Oceans Act*, the *Fisheries Act*, the *Canada Shipping Act, 2001*, and the *Species at Risk Act* and has program activities focus on:

- Identifying ecologically and biologically significant species;
- Contributing relevant fish to the ongoing productivity of commercial, recreational or Indigenous fisheries protection of fish habitat; and
- Recovering wildlife species.

Fisheries and Oceans and the Canadian Coast Guard ensures that federal and departmental policies, programs, and regulations with aquatic resource implications are informed by scientific and technical information. In support of the various emergency-response related Government of Canada initiatives, Fisheries, Oceans and the Canadian Coast Guard is providing science advice, products and collaborations associated with response plans including – environmental data, spatial data on species and habitats vulnerable to oil, data management, advice and input for the Transport Canada's oil spill risk assessment, modeling spill trajectories, near shore hydrography and charting (updating navigational charts), tidal gauges, indigenous partnerships, academic collaborations, and supporting engagement.

Fisheries and Oceans and the Canadian Coast Guard's Coastal Environmental Baseline Program will support evidence-based decisions that will guide economic growth while preserving our marine ecosystems for future generations. Fisheries, Oceans and the Canadian Coast Guard is partnering with communities to collect baseline environmental data to better detect changes in the environment and improve our understanding of how human activities impact the marine environment, and potentially how they may impact other activities or values.

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<sup>5</sup> Oil Handling Facilities Standard: <https://www.tc.gc.ca/eng/marinesafety/tp-tp12402-menu-607.htm>

Environment and Climate Change Canada also plays an important role in the protection of marine environments, and administers and enforces federal environmental legislation, such as the *Migratory Birds Convention Act, 1994*; the *Canadian Environmental Protection Act, 1999*; and the pollution prevention provisions of the *Fisheries Act*.

Within the context of the *Canadian Environmental Protection Act, 1999* and the *Fisheries Act* responsible parties must notify the government of a real or potential pollution release in contravention of these Acts and take appropriate response measures. Environment and Climate Change Canada has established two regulations to ensure alignment between these federal emergency reporting requirements and jurisdictions across Canada, including British Columbia, (e.g., *Release and Environmental Emergency Notification Regulations – Canadian Environmental Protection Act, 1999*; *Deposit Out of the Normal Course of Events Notification Regulations – Fisheries Act*). Environment and Climate Change Canada also has the authority within these Acts to require that additional actions are taken to ensure the environment and Canadians are protected and adverse effects are mitigated.

However, Environment and Climate Change Canada's main role in emergencies is to provide partners with timely and informed science-based advice to prevent, prepare for, respond to and recover from environmental emergencies. The National Environmental Emergencies Centre is available 24/7 and can provide advice on topics such as:

- Site-specific weather forecasting;
- Spill trajectory modelling;
- Fate and behaviour of hazardous substances;
- Environmental sensitivity mapping;
- Establishment of clean-up priorities;
- Shoreline clean-up assessment techniques; and
- Advice on the protection of sensitive ecosystems and wildlife (e.g., migratory birds).

During the response to an environmental emergency, Environment and Climate Change Canada can convene a "Science Table" involving experts and stakeholders from all levels of government, Indigenous representatives, local communities, industries, and academics to provide consolidated scientific and technical advice to the agencies leading the response. Environment and Climate Change Canada has provided science and technical support in response to incidents in British Columbia on numerous occasions.

## **6. Oceans Protection Plan**

In November 2016, the Government of Canada announced the Oceans Protection Plan, a \$1.5 billion investment to further improve marine safety and responsible shipping, protect Canada's marine environment, and offer new possibilities for Indigenous and coastal communities. This plan represents the largest investment ever made to protect Canada's marine environment and includes many initiatives and programs that will continue to improve on Canada's already strong marine safety and spill management systems.

Among others, these initiatives and programs include:

- **Four new lifeboat stations which will be opened in strategic locations along British Columbia's coast** to improve response capacity for marine incidents and increase coverage to keep mariners and the environment safe. The new stations in



British Columbia will be located in the areas of Victoria, Hartley Bay, Port Renfrew, and Nootka;

- **Regional Response Planning pilot project in Northern British Columbia** and the development of a risk-based planning approach. Regional Response Planning is a holistic, risk-based approach to environmental response planning that takes into account unique regional, ecological, geological, and socio-economic factors;
- **Tougher requirements on industry to provide quicker action for any spills from a ship.** To improve industry's preparedness for oil spills, Transport Canada is reviewing the existing requirements for the industry-funded Response Organizations that provide spill response services in Canada. This review, which will include broad engagement, could result in amendments to time standards for responding to ship-source oil spills;
- **Enhanced emergency response capacity for Environment and Climate Change Canada** by adding new environmental emergency officers on the Pacific (Vancouver) and Atlantic coasts, additional enforcement officers in British Columbia, additional wildlife biologists, and providing 24/7 oil spill modelling capacity;
- **Increase in the Coast Guard's emergency towing capacity** by acquiring and installing rapidly-deployable emergency towing kits to help vessels in distress and to avoid potential groundings and oil spills; engaging Indigenous Nations and industry to complete a towing needs assessment on the west coast of Canada to identify risks and potential mitigation solutions; and leasing two emergency towing vessels capable of towing large vessels in distress on the west coast;
- **Providing training in search and rescue, environmental response, and incident management** to Indigenous Nations in British Columbia. Two training sessions were already completed in Bamfield, British Columbia, the first in October 2017 a second in February 2018;
- **Giving greater power to the Coast Guard** to intervene directly to prevent marine incidents such as where ship operators have been reluctant to act; and
- **Undertaking engagement and policy analysis to inform a proposal for a seamless, integrated response regime** that goes beyond ship-source oil pollution and includes all marine pollution from all sources.

## 7. LIABILITY AND COMPENSATION

The *Marine Liability Act* is the principal legislation dealing with liability and compensation in the event of pollution damage from a ship. Its intent is to establish uniform rules that are consistent with international law and that balance the interests of ship-owners and other parties involved in a maritime accident.

The *Marine Liability Act* is based on the polluter-pays principle and there are various tiers of compensation available from multiple sources. The *Marine Liability Act* incorporates both international conventions to which Canada is party, and domestic compensation provisions, and provides for various levels of liability, depending on the type of oil causing the pollution damage and the type of vessel involved in an incident.

The fundamental principles underlying the liability and compensation regime are:

- Consistent international rules given marine shipping's global nature;
- Sharing the financial burden of compensation between ship-owners and cargo owners;
- Compensation is provided for reasonable and justifiable costs and losses that are proportionate to the pollution or threat thereof;

- Compensation is provided to quantifiable and actual costs and losses incurred with a direct link of causation to the pollution;
- Equal treatment of all claimants; and,
- Prompt and adequate compensation for all claimants.

Generally, ship-owners are strictly liable for costs, losses or damage related to a discharge or threat of discharge from their ship. The international marine community has adopted a number of conventions at the International Maritime Organization that govern ship-owner liability and that create international compensation funds. Canada is party to four international conventions that are implemented in the *Marine Liability Act*:

- *International Convention of Civil Liability for Oil Pollution Damage, 1992*. Which establishes strict liability for the ship-owner, compulsory insurance, and limits to the ship-owner's liability. There are 137 state parties to this convention.
- *International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992*. Which creates an international compensation fund (the 1992 Fund) to provide compensation above and beyond the ship-owner's liability. There are 115 state parties to this convention.
- *Protocol of 2003 to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992*. Which creates an optional Supplementary Fund for compensation in addition to the ship-owner's liability and the 1992 Fund. There are 31 state parties to this protocol.
- *International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001* (Bunkers Convention). Which establishes strict liability for the ship-owner, compulsory insurance certified by state parties and limits to the ship-owner's liability. There are 88 state parties to this Convention.

The ship-owner is always held first and foremost strictly liable, with no need to prove fault or negligence. This liability is limited in accordance with the tonnage of the tanker involved in the incident (maximum of approximately \$165 million) with compulsory insurance for the ship-owner to cover their liability.

The international compensation funds provide compensation in the case when the ship-owner is not liable, unable to meet their liability or the damage surpasses their limit of liability. The total amount of compensation available for a tanker spill is \$1.35 billion for a single incident (inclusive of the ship-owner's liability).

Canada's domestic *Ship-Source Oil Pollution Fund* was established in 1973 as the first domestic fund in the world providing additional coverage for oil spills. The *Ship-Source Oil Pollution Fund* provides compensation for *all* types of oil from *all* types of ships in Canada. The *Ship-Source Oil Pollution Fund* also covers marine mystery spills (i.e., spill from an unidentified source). The *Ship-Source Oil Pollution Fund* was originally constituted by levies imposed on oil receivers and shippers in Canada. The *Ship-Source Oil Pollution Fund* has since grown as a result of monthly interest payments to approximately \$409 million as of April 1, 2017. The current per-incident limit of liability of the *Ship-Source Oil Pollution Fund* is approximately \$171 million (adjusted annually for inflation), when added to the total coverage, it translates into approximately \$1.5B for a spill involving a tanker.

The *Ship-Source Oil Pollution Fund* is both a fund of last resort if claims are above and beyond the ship-owner's liability, and of first resort if the claim can be filed directly to the *Ship-Source Oil Pollution Fund* Administrator who will assess claims, make an offer of compensation, and

once accepted, seek to recover the amount paid from the polluter or other responsible party.

The types of damage covered include:

- Measures to prevent or minimize damage;
- Clean-up and containment costs;
- Property damage; and
- Environmental damage limited to loss of profit, post-spill studies and costs of reasonable measures of reinstatement undertaken or to be undertaken.

Economic losses, such as in the fisheries and tourism sectors or subsistence fishing and harvesting, may also be covered.

Generally, all claims for compensation follow the following criterion:

- Any expense, loss or damage must actually have been incurred;
- Any expense must relate to measures that are considered reasonable and justifiable;
- Any expense, loss or damage is compensated only if and to the extent that it can be considered as caused by contamination resulting from the spill;
- There must be a reasonably close link of causation between the expense, loss or damage covered by the claim and the contamination caused by the spill;
- A claimant is entitled to compensation only if he or she has suffered a quantifiable economic loss;
- A claimant has to prove the amount of his or her expense, loss or damage by producing appropriate documents or other evidence.

Under the Oceans Protection Plan, the Government of Canada is making major improvements to the *Ship-Source Oil Pollution Fund* to ensure unlimited industry funded compensation is made available to those affected by ship-source spills. Specifically, these proposed changes include:

- Removing the limit of liability on the *Ship-Source Oil Pollution Fund* to allow for an unlimited amount of compensation for eligible losses and damage with a guaranteed fund top-up;
- Ensuring the ability to recover from industry through a modernized levy mechanism in the unlikely event that the *Ship-Source Oil Pollution Fund* is depleted;
- Aligning with the international regime to ensure coverage to prevent or minimize economic losses, such as in the fisheries or tourism sectors.
- Providing emergency funding to the federal incident commander and to responders under the direction of the federal incident commander when responding to a significant incident; and,
- Instituting a fast-track system for small claims to the *Ship-Source Oil Pollution Fund* in order to reduce administrative burdens and facilitate prompt compensation.

In 2014, Canada adopted amendments to the *Marine Liability Act* to implement in law a new international convention that addresses liability and compensation for incidents involving hazardous and noxious substances.

The *International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 2010* will establish a new liability and compensation regime covering all hazardous and noxious substances carried in bulk or in containers. This includes strict liability for the ship-owner with compulsory insurance and the creation of a new international compensation fund made up of contributions from receivers of

bulk hazardous and noxious substances in state parties. The total amount available would be approximately \$450 million for a single incident.

## **ANNEX XX – PIPELINE REGIME RELATED TO SPILL MANAGEMENT**

Canada's federally regulated pipeline safety system is comprehensive, sound, and Indigenous Peoples and communities are fully involved in all aspects of pipeline safety operations.

With 825,000 kilometres of transmission, gathering and distribution pipelines in Canada, most provinces have significant pipeline infrastructure. Close to 100 pipeline companies are federally-regulated and operate approximately 73,000 kilometres of pipelines in Canada.

The National Energy Board is an independent federal agency that regulates cross-border pipelines in Canada. The National Energy Board ensure that pipeline companies meet strict requirements to keep Canadians and the environment safe.

The Government of Canada has taken a number of steps in recent years to strengthen the federal pipeline regime, including the *Pipeline Safety Act*, which amended the *National Energy Board Act*. The *Act* built on similar work to strengthen the offshore, nuclear, marine, rail safety, and compensation regimes. It introduced a number of new measures focused on incident prevention, preparedness and response, and liability and compensation, applicable to federally regulated pipelines, including associated marine terminals.

British Columbia's spill response regime addresses many of the same elements of the federal regime including around marine protection, prevention and response measures. We welcome opportunities to continue to work together to ensure complementarity between provincial and federal regimes and to minimize duplication.

Natural Resources Canada and other federal departments and agencies, including the National Energy Board, provided input during the early stages of British Columbia's emergency management regulatory framework. The National Energy Board has been actively engaged in the British Columbia spill regime initiative through regulator-to-regulator discussions with the British Columbia Ministry of Environment and Climate Change Strategy.

National Energy Board input has focused on avoiding regulatory duplication or conflict and clarifying regulatory expectations for companies that may fall under both National Energy Board regulatory requirements and the British Columbia Spill Regime. The National Energy Board and Natural Resources Canada also participated in the "*Symposium on Land Based Spill Preparedness and Response in British Columbia*" hosted by British Columbia Ministry of the Environment in April 2016. We appreciate that British Columbia has acknowledged jurisdictional considerations and emphasized its plan to work on *complementary* measures going forward.

The National Energy Board has also established a working relationship with the British Columbia Ministry of the Environment and Climate Change Strategy and Emergency Management British Columbia. The National Energy Board interacts with these organizations through meetings and workshops and in particular, through emergency response exercises and incidents.

The National Energy Board has acted in Unified Command under the Incident Command System with British Columbia Ministry of the Environment and Climate Change Strategy on a number of occasions in this context. The placement of an Emergency Management Specialist in the National Energy Board's Vancouver Regional Office has facilitated opportunities to continue proactive engagement with British Columbia Ministry of the Environment and Climate Change Strategy and Emergency Management British Columbia.

The National Energy Board and British Columbia Ministry of the Environment and Climate Change Strategy are also working together to lead a project under the Environmental Emergencies Working Group of the Canadian Council of Ministers of the Environment. The objectives of the project are to promote cooperation amongst governments in response to environmental emergencies. As co-chairs, the National Energy Board and British Columbia Ministry of the Environment and Climate Change Strategy have developed the project strategy and continue to work together to guide the Project Working Group and will oversee the documentation that will be produced.

## **1. PREVENTION AND RESPONSE**

The Government of Canada's primary objective for pipeline safety is the prevention of incidents. Recent measures implemented at the federal level that advance world-leading incident prevention in the pipeline sector include:

- Updating and strengthening damage prevention requirements;
- Providing new funding of close to \$65 million (over five years) to fund the Indigenous Advisory and Monitoring Committees for the Trans Mountain Expansion project to involve Indigenous Peoples of Canada in the ongoing monitoring of the environmental, safety and socio-economic issues over the full lifecycle of the project;
- Adding provisions for implementing Administrative Monetary Penalties;
- Making public the National Energy Board's report on the use of "best available technologies" in pipeline construction and operations.

Emergency management is best achieved through clear and comprehensive regulatory requirements and regulatory oversight. For federally regulated pipelines, these requirements are set out in the *National Energy Board Act* and the *National Energy Board Onshore Pipeline Regulations*. The legislation requires companies regulated by the National Energy Board to have a comprehensive *Emergency Management Program* in place that is subject to the National Energy Board's compliance verification activities.

The preparedness and response regime for federally-regulated pipelines allows companies and other emergency response stakeholders to be ready and able to react swiftly and effectively by:

- Involving local communities in planning, operations and related opportunities and developing a strategy to integrate Indigenous communities in pipeline safety operations;
- Requiring companies to plan for and be able to respond to an incident of any size or duration
- Requiring companies to hold a minimum level of financial resources in readily accessible form to ensure they can respond quickly;
- Authorizing the National Energy Board to assume control of incident response in exceptional circumstances, if a company is unable or unwilling to do so;
- Authorizing the National Energy Board to order reimbursement of certain clean-up costs.

British Columbia has been a key contributor to the federal-provincial-territorial dialogue on pipeline safety including in the lead up to the *Pipeline Safety Act* legislation in 2015. Natural Resources Canada shares British Columbia's interest in advancing safety objectives including ensuring the safe movement of energy resources and protection of the environment, aided by enhanced spill recovery and response. Continued cooperation will ensure that our efforts are

complementary, that they enable economic growth and a clean environment for the benefit of British Columbians and all Canadians.

The National Energy Board and the British Columbia Oil and Gas Commission have a Memorandum of Understanding that addresses supporting one another in emergency situations. The National Energy Board has similar cooperative working relationships with other provincial departments and energy regulators.

## **2. LIABILITY AND COMPENSATION**

The liability and compensation regime for federally-regulated pipelines ensures Canadians and the environment are protected from costs and damages following any incident. To build on the current unlimited liability in the case of fault or negligence, the *Pipeline Safety Act* established “no fault” absolute liability on the part of pipeline companies, set at \$1 billion in the case of operators of major oil pipelines. For example, the *Trans Mountain* pipeline has a financial assurances plan that provides for coverage of \$1 billion (growing to \$1.1 billion with the current Expansion Project) for loss or damages from a spill including cleanup and remediation, and loss of non-use value of a public resource.

Other improvements to pipeline liability and compensation include:

- Requiring companies to have sufficient financial resources to cover the costs of an incident. This requirement has to match, at a minimum, the amount of absolute liability imposed on companies (e.g., \$1 billion for operators of major oil pipelines);
- Providing an interim government financial backstop to ensure funds are available to the National Energy Board to assume control of incident response. The National Energy Board will also have the authority to fully recover associated costs from industry;
- Ensuring companies are responsible, by law, for all costs associated with an unintended or uncontrolled release from a federal pipeline, including all actual losses or damages incurred by any person; the costs and expenses reasonably incurred by the Crown (federal or provincial) or any Indigenous governing body; and loss of non-use value relating to a public resource such as a national park or eco-system.

## **3. EMERGENCY MANAGEMENT REQUIREMENTS RELATED TO THE TRANS MOUNTAIN EXPANSION PROJECT**

A concrete demonstration of the Government of Canada's commitment to safe and secure pipeline operations is federal approval of the *Trans Mountain Expansion Project*. In November 2016, the Government directed the National Energy Board to issue a certificate for the *Trans Mountain Expansion Project* subject to over 150 conditions as set out in the National Energy Board Report, including those related to mitigating the risk and impact of oil spills. These conditions are in addition to the robust regulatory framework under the *National Energy Board Act* and the *National Energy Board Onshore Pipeline Regulations* that the Project falls under. The conditions include items related to:

- Regulatory and/or overarching requirements (9 conditions);
- Project engineering and safety (53 conditions);
- Emergency preparedness and response (15 conditions);
- Environment (49 conditions);
- Air emissions and greenhouse gases (9 conditions);

- Socio-economic considerations (35 conditions);
- Economic, finance and markets (2 conditions); and,
- Project-related marine shipping (6 conditions).

The *Trans Mountain Expansion Project* Certificate Condition 117 requires Trans Mountain to file updates on the enhancements already implemented in its Emergency Management Program. The *National Energy Board Onshore Pipeline Regulations* state that an Emergency Management Program must anticipate, prevent, manage and mitigate conditions during an emergency that could adversely affect property, the environment or the safety of workers or the public. This includes the need for emergency procedures manuals that are regularly reviewed, updated and made publically available. A company must also have a site-specific plan for sensitive areas such as wetlands or national parks.

Companies regulated by the National Energy Board must establish and maintain a close working relationship with agencies that may be involved in an emergency response related to a pipeline to ensure effective coordination. This could include first responders, city planners, municipalities, and Indigenous communities. Companies must also have their emergency response plans and related emergency management program information posted on their publically available websites.

The National Energy Board also verifies compliance with regulatory requirements. This can include, for example, a comprehensive emergency procedures manual review, National Energy Board attendance at company emergency response exercises, and management system audits. During compliance verification, National Energy Board Inspection Officers and other staff work with the company, local municipalities, first responders, Indigenous groups, and other stakeholders; each of whom may be involved during an emergency response.

It is worth noting that *Trans Mountain Expansion Project* Certificate Condition 119 requires that Trans Mountain file an Emergency Preparedness and Response Exercise and Training Program and Condition 136 requires Trans Mountain to complete a full-scale emergency response exercise prior to operations commencing for specific scenarios, including a scenario for a diluted bitumen release into Burrard Inlet as a result of a release from the Westridge Marine Terminal. The National Energy Board's exercise evaluations will be made publically available on its website.

The National Energy Board enforces regulatory requirements in order to obtain compliance, deter future non-compliance, and prevent harm by using the most appropriate tool or tools available. The National Energy Board posts information on its website on its compliance and enforcement activities with the goal of providing information related to its compliance and enforcement actions, in a manner that is clear and accessible.



## Longtin, Jean

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**From:** Stringer, Kevin  
**Sent:** April-12-18 7:44 AM  
**To:** McPherson, Arran  
**Subject:** FW: Federal contributions to the BC Spill Response process  
**Attachments:** Feb 13 1630 - Status of Diluted Bitumen Spill Science.docx

Can you come see me when you get in this morning.

Thanks

KS

-----Original Message-----

**From:** Blewett, Catherine  
**Sent:** Thursday, April 12, 2018 7:42 AM  
**To:** Stringer, Kevin <Kevin.Stringer@dfo-mpo.gc.ca>  
**Subject:** Fw: Federal contributions to the BC Spill Response process

Fyi

Sent from my BlackBerry 10 smartphone on the Rogers network.

Original Message

**From:** Lucas, Stephen (EC) <stephen.lucas@canada.ca>  
**Sent:** Thursday, April 12, 2018 7:52 AM  
**To:** Rascanin, Natasha; Keenan, Michael (Ext.); Tremblay, Christyne (NRCAN/RNCAN); Blewett, Catherine; 'Christiane Fox'; Hutchinson, Jeffery  
**Cc:** White, Belinda (EC); Coleman, Robert (EC); Moffet, John (EC); 'O'Leary, Alison'; Little, Jennifer; Hubbard, Terence (NRCAN/RNCAN); Geller, Hilary (EC); Khosla, Jay (NRCAN/RNCAN); Wheatley, Michelle; MacDonald, Lori; 'Dickson, Samantha Maislin'; Corbin, Claude; Clark, Caroline (EC); Hanson, Lawrence; Sloan, Naina (NRCAN/RNCAN); Dick, Robert  
**Subject:** Re: Federal contributions to the BC Spill Response process

Hi - the package is coming along well. I offer a few comments on it in general, and on the introductory and science sections in specific.

As I understand it, we are trying to do 2 things with these documents: provide a federal response to BC Intentions paper, and provide a federal document that can help inform on the BC consultations on their Intentions paper given that it didn't mention federal regimes, measures like OPP and science. The documents are well framed towards the latter objective, but are largely silent on the BC paper. This could be bridged by adding an introductory paragraph to the Overview section of the Summary, which frames the purpose of the document(s) and refers to the BC paper, noting that it does not provide the full context given lack of reference to federal regimes, investments and expertise.

The proposed Introductory paragraph(s) then set up why we are providing the input on Government of Canada actions to prevent, plan and respond to spills. The first page of your summary document lays out the key themes well, but could be strengthened with a couple of changes:

- in first paragraph, add "including pipelines" to mention of infrastructure. Also, I could replace "resilience of NR industries" with "competitiveness"

- I think that you need to make point about jurisdiction in second paragraph. We have clear jurisdiction for interprov pipelines, rail and marine, and have strong, world-leading regimes.
- I would give a stronger mention to OPP in its own paragraph - not just the \$, but what it will deliver.
- add a paragraph on science in intro, to set up the section that follows. Essential points are that federal govt has been undertaking oil spill and response research for over 35 years; that it has stepped up work over past decade, supported by new investments including through OPP, to understand fate and behavior of oils including diluted bitumen in marine and freshwater environments to inform planning and response; and that through extensive peer-reviewed, publicly-accessible publications and data supported by assessments of the state of knowledge it has shown that diluted bitumen behavior in ocean and freshwater falls into the range of conventional crude oil products and can be cleaned up using the same tools customized to the situation through sophisticated real-time modelling that the government has also invested in.

I would use a similar storyline for the science section on the page that follows. I'm attaching the document that we tabled with BC on February 14, as it has the overall storyline in it about the purpose, history, scope, reviews and results of federal oil spill and response research. I know that you've drawn on it, but I think as Michael noted that we can make clear the points that we've been doing this for a long time, that we have a solid base of peer reviewed, publicly accessible knowledge, and that we're deepening it at an accelerated rate through investments in OPP. The soon-to-be released DFO-led assessment of the state of dilbit science should also be referenced. I think that we should also reference the February 13 (attached) summary document which would also be good to post as it has the bibliography of recent publications.

For the deck, I think that you need a bullet on what we know from the science to date (as per above). As well, I think that more can be added on OPP, noting that it complements our strong legislative regimes for marine safety.

Great work - hope this input is helpful, Steve

From: Rascanin, Natasha

Sent: Tuesday, April 10, 2018 6:18 PM

To: Lucas, Stephen (EC); Keenan, Michael (Ext.); Tremblay, Christyne (NRCAN/RNCAN); 'Catherine Blewett'; 'Christiane Fox'; 'Hutchinson, Jeffery'

Cc: White, Belinda (EC); Coleman, Robert (EC); Moffet, John (EC); 'O'Leary, Alison'; Little, Jennifer; Hubbard, Terence (NRCAN/RNCAN); Geller, Hilary (EC); Khosla, Jay (NRCAN/RNCAN); 'michelle.wheatley@dfo-mpo.gc.ca'; MacDonald, Lori; 'Dickson, Samantha Maislin'; Corbin, Claude; Clark, Caroline (EC); Hanson, Lawrence; Sloan, Naina (NRCAN/RNCAN); Dick, Robert

Subject: RE: Federal contributions to the BC Spill Response process

Hello all,

Attached you will find the following documents:

1. overview federal document - tightened to be more direct and hard-hitting, though we may need to consider whether science section (or any of the others) needs any further adjustments given evolving context, and most recent conversations
2. set of slides setting out the federal overview, for inclusion at the front end of the very long (almost 100 slide) deck that BC uses during its consultation sessions - in the slides, we reference the federal paper, which could be available for distribution to consultation participants (next Indigenous consultation session is on Friday, April 13)
3. annexes for each of the sections that provide greater detail about each section

This is now the penultimate complete package, and once again, many thanks to all who input and worked diligently throughout.

Any comments on the first two documents in particular would be needed fairly quickly, as various members of our respective teams are either on their way to BC, or are getting ready to participate by video or phone in two sets of meetings:

1. Tomorrow federal HQ and regional teams are meeting to connect and share briefing as needed with those who will actually attend the consultation sessions; and 2. They will also finalize the strategy for discussion with BC officials (ADM and DG level across various provincial departments) scheduled on Thursday, April 12. The federal and provincial officials are meeting for almost the entire day, and will talk through the content of the papers, as well as discuss BC position and process. They will also seek agreement on inclusion of the slides (we already have that agreement notionally at DM and ADM levels).

We continue to work on finalizing the entire set of documents for ultimate final submission to the BC consultation process, as well as scenario options on how to make the federal submission public (multi-Ministerial statement, etc, to be determined). The feedback from the next few days will help finalize that documentation, as will your input.

Natasha

-----Original Message-----

From: Rascanin, Natasha

Sent: Sunday, April 08, 2018 10:43 AM

To: 'Lucas, Stephen (EC)' <stephen.lucas@canada.ca>; Keenan, Michael <Michael.Keenan@tc.gc.ca>; 'Tremblay, Christyne (NRCAN/RNCAN)' <christyne.tremblay@canada.ca>; 'Catherine Blewett' <catherine.blewett@dfo-mpo.gc.ca>; 'Christiane Fox' <Christiane.Fox@pco-bcp.gc.ca>; 'Hutchinson, Jeffery' <Jeffery.Hutchinson@dfo-mpo.gc.ca>

Cc: 'White, Belinda (EC)' <belinda.white@canada.ca>; 'Coleman, Robert (EC)' <robert.coleman@canada.ca>; 'Moffet, John (EC)' <john.moffet@canada.ca>; 'O'Leary, Alison' <Alison.O'Leary@pco-bcp.gc.ca>; Little, Jennifer <jennifer.little@tc.gc.ca>; 'Hubbard, Terence (NRCAN/RNCAN)' <terence.hubbard@canada.ca>; Geller, Hilary (EC) <hilary.geller@canada.ca>; 'Khosla, Jay (NRCAN/RNCAN)' <jay.khosla@canada.ca>; 'michelle.wheatley@dfo-mpo.gc.ca' <michelle.wheatley@dfo-mpo.gc.ca>; MacDonald, Lori <Lori.MacDonald@tc.gc.ca>; 'Dickson, Samantha Maislin' <SamanthaMaislin.Dickson@justice.gc.ca>; Corbin, Claude <claudette.corbin@tc.gc.ca>; 'caroline.clark@canada.ca' <caroline.clark@canada.ca>; Hanson, Lawrence <Lawrence.Hanson@tc.gc.ca>; 'Sloan, Naina (NRCAN/RNCAN)' <naina.sloan@canada.ca>

Subject: RE: Federal contributions to the BC Spill Response process

Good morning,

I am attaching the longer science annex to this email, as it will need to be further aligned with how the overview story is being adjusted, as discussed below.

The other 3 annexes (marine, rail and surface, and pipelines) I will be sending to ADMs and teams for one further set of inputs, as we are not yet caught up to how the overall storyline/summary has evolved and there are some inconsistencies in structure and approach that need to be sorted.

We are still in good shape on timelines. The overview summary will need to be wrapped up by mid-week at the latest, as the next BC consultation is on Friday, which a subset of our teams will be attending. and we would want to use the overview at that point.

For the full formal submission (and strategy how we implement; what is put out publicly etc), we are working up a scenario note. It is for the formal submission that we would need the full package to be completely final; we are targeting mid-week this week for full package going back to DMs.

If needed, we can set up an ADM call tomorrow to discuss further, but it may not be necessary; we are trying to put outstanding elements in a message to all that will go shortly.

Thank you,  
Natasha

-----Original Message-----

From: Rascanin, Natasha

Sent: Friday, April 06, 2018 5:25 PM

To: 'Lucas, Stephen (EC)' <stephen.lucas@canada.ca>; Keenan, Michael <Michael.Keenan@tc.gc.ca>; Tremblay, Christyne (NRCAN/RNCAN) <christyne.tremblay@canada.ca>; Catherine Blewett <catherine.blewett@dfo-mpo.gc.ca>; Christiane Fox <Christiane.Fox@pco-bcp.gc.ca>; 'Hutchinson, Jeffery' <Jeffery.Hutchinson@dfo-mpo.gc.ca>  
Cc: White, Belinda (EC) <belinda.white@canada.ca>; Coleman, Robert (EC) <robert.coleman@canada.ca>; Enei, George (EC) <george.enei@canada.ca>; Geller, Hilary (EC) <hilary.geller@canada.ca>; Moffet, John (EC) <john.moffet@canada.ca>; 'O'Leary, Alison' <Alison.O'Leary@pco-bcp.gc.ca>; Little, Jennifer <jennifer.little@tc.gc.ca>; Hubbard, Terence (NRCAN/RNCAN) <terence.hubbard@canada.ca>; 'Khosla, Jay (NRCAN/RNCAN)' <jay.khosla@canada.ca>; 'michelle.wheatley@dfo-mpo.gc.ca' <michelle.wheatley@dfo-mpo.gc.ca>; 'Dickson, Samantha Maislin' <SamanthaMaislin.Dickson@justice.gc.ca>; Corbin, Claude <claudette.corbin@tc.gc.ca>; 'caroline.clark@canada.ca' <caroline.clark@canada.ca>  
Subject: RE: Federal contributions to the BC Spill Response process

Good afternoon all:

Attached you will find the latest iteration of the overview federal document for review, which incorporates most comments received to date. NRCAN has provided input as per item 1 below, and it is incorporated. The Science section (#2) is outstanding.

We have received all the input to the very long set of technical annexes for each of the federal regimes, however, we have not had time to review fully. I am loath to send those tonight; my team and I will do one consistency scrub and send out over the weekend.

Further, we have developed federal context overview slides for inclusion in the BC consultations deck; the slides are with departments right now for vetting and comment. We are suggesting 6 slides outlining the federal regime (and referring to the overview paper) at the front end of the 92 (now 98) slide BC package. The federal slides will also come to you for comment, following integration of departmental input.

Thank you very much to all the teams for lots of work on this material.

Natasha

-----Original Message-----

From: Lucas, Stephen (EC) [mailto:stephen.lucas@canada.ca]

Sent: Friday, April 06, 2018 4:37 PM

To: Keenan, Michael <Michael.Keenan@tc.gc.ca>; Tremblay, Christyne (NRCAN/RNCAN) <christyne.tremblay@canada.ca>; Catherine Blewett <catherine.blewett@dfo-mpo.gc.ca>; Christiane Fox <Christiane.Fox@pco-bcp.gc.ca>  
Cc: White, Belinda (EC) <belinda.white@canada.ca>; Coleman, Robert (EC) <robert.coleman@canada.ca>; Rascanin, Natasha <Natasha.Rascanin@tc.gc.ca>; Enei, George (EC) <george.enei@canada.ca>; Geller, Hilary (EC) <hilary.geller@canada.ca>  
Subject: Re: Federal contributions to the BC Spill Response process

Ok, thanks. It would be great to get the updated version this pm, and we will work to provide that input for Monday along with any other comments (I will go through it this weekend).

Steve

Stephen Lucas, Ph.D.

Original Message

From: Keenan, Michael (Ext.)

Sent: Friday, April 6, 2018 3:31 PM

To: Tremblay, Christyne (NRCAN/RNCAN); Lucas, Stephen (EC); Catherine Blewett; Christiane Fox

Cc: White, Belinda (EC); Coleman, Robert (EC); Rascenin, Natasha

Subject: Federal contributions to the BC Spill Response process

A draft federal submission to the as been circulating. It is coming along. It now has a summary, as well as extensive details on the federal system. A new version is coming out shortly from Natasha.

I, as well as others, have provided comments on the summary. My comments have focused on being clearer on the big achievements and strong points of the federal system -- highlighting those features that make it world leading with with a view to making it sharper. Natasha and the team here is revising it.

Steve, Christyne, there are two sections where they will need your folks to make the changes.

1) on pipelines, I asked Natasha to go back to NRCAN folks to adjust the story to really sell the key. Features that make it world leading - I feel the pipeline summary undersells on this point.

2) on science on heavy oil, the points are ok, but to my mind they are not nearly as good as the story your outlined to Mark in that meeting at the Vancouver airport a while ago. You had more compelling points, and had quantified the number of peer reviewed studies etc. It would be great to capture the magic of that in the summary. Natasha is asking you folks to replicate that.

Cheers

Michael

Michael Keenan

Deputy Minister - Sous-ministre

Transport Canada -Transports Canada

1-613-990-4507

michael.keenan@tc.gc.ca

## UNDERSTANDING SPILLS OF DILUTED BITUMEN INTO AQUEOUS ENVIRONMENTS

### A. PREAMBLE

The Government of British Columbia has raised concerns regarding the potential effects of spilled diluted bitumen in water environments, and the current ability to mitigate spills. In this regard, BC has announced its desire to establish an independent scientific advisory panel to provide recommendations on the safe transport of heavy oils and spill recovery measures to protect its waters and coastal communities. British Columbia's points of reference are taken from the gaps identified in reports from the Tanker Safety Expert Panel (2013), the Royal Society of Canada (2015) and the US National Academy of Sciences (2016).

Since 2013, the Government of Canada has made concerted efforts to address these gaps by increasing investment and collaboration and coordination of work between Department of Fisheries and Oceans, Natural Resources Canada and Environment and Climate Change Canada. This was strengthened through investment in 2016 in the Oceans Protection Plan. This includes increasing the investment in improving the security of transport of oil products, spill recovery and responses, by focusing research on the fate, behaviour and effects of various oil products in different spill conditions and under extreme Canadian climates.

Collectively, the Government of Canada has dedicated approximately fifty scientists, technologists, chemists and engineers in four major programs to study oil spill behaviour and recovery technologies. There is a significant body of work in the public domain that have been peer reviewed domestically and internationally, which helped inform decisions on pipeline projects as well as oil spill planning and preparedness.

The Government of Canada's scientific research is focused on answering three key questions:

1. **Does a spill of diluted bitumen behave differently than a conventional crude, and if so, how is it different?**
2. **Will existing spill response technologies work for spills of diluted bitumen?**
3. **Will a spill of diluted bitumen have a different effect on the environment than that of a conventional crude oil?**

These questions are not independent, but can be addressed individually, and are being addressed by scientists in the federal government, academia, industry, and by response technology developers.

## B. BACKGROUND

### Diluted Bitumen

Bitumen is the thick, (barely) fluid oil extracted from oil sands. Being thicker than conventional crude the oil needs lighter solvents or oils added to it to reduce its viscosity for transportation by pipeline. The resulting product is called "diluted bitumen".



The type of diluted bitumen is determined by the diluent used:

**Pipeline Transportation:** research has shown that diluted bitumen is not corrosive in transport pipelines, contrary to popular belief. In 2013, the United States National Academy of Science, after extensive consultation, found "no evidence of any causes of pipeline failure that are unique to the transportation of diluted bitumen".

- Natural Gas (NG) condensate (C4 to C8): This consists of small hydrocarbons containing 4 to 8 carbons (C4 to C8). NG condensate is used only inside Alberta in gathering and feeder pipelines;
- Light oil ("CRW") condensate (C4 to C40): CRW condensate is used to make the diluted bitumen called "dilbit" that is transported in Canada's regulated transmission pipelines leaving Alberta;
- Synthetic crude oil (SCO) (C12 to C40): SCO is used to make the diluted bitumen called "synbit" that is

transported in transmission pipelines leaving Alberta.

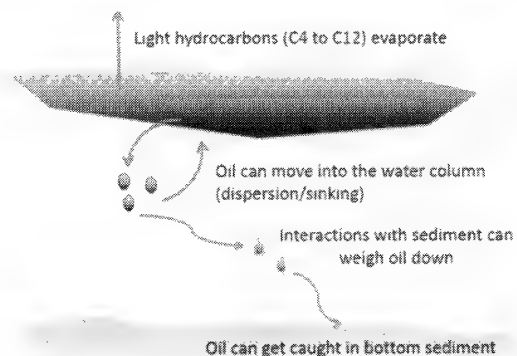
### Anatomy of an Oil Spill

By far the biggest impacts on the evolution of any crude oil spill are the environmental factors at the time of the spill. This affects, for example, how fast the slick will spread, the extent to which the oil will disperse into the water column, or sink to the bottom.

The effects that conditions, such as wave action, temperature, or sediment load, will have on a spill depends on the physico-chemical properties of the oil, and how these properties evolve over time. The two most important oil properties that determine spill behaviour are the density and the viscosity of the oil.

When a crude oil is spilled in the environment, a wide variety of physical, chemical, and biological processes defined as "weathering" begin to transform the oil. The first prominent change observed is the loss of lighter, non-persistent hydrocarbons. In the case of a spill of dilbit, the smallest hydrocarbons (C4 to C12) originating from the diluent would quickly evaporate; the medium-sized hydrocarbons from the

What Happens When Petroleum Spills into Water



diluent would stay with the oil and so leave the weathered oil slightly lighter (less dense) than the original bitumen. For a spill of synbit, the hydrocarbons from the synthetic crude oil that were added as diluent would not evaporate, leaving the weathered oil lighter than the original bitumen.

Over longer time frames (days, weeks, and months), natural processes such as photolysis from sunlight, and bacterial degradation will act on the oil, completely degrading some of the smaller oil hydrocarbons. However, the larger hydrocarbons in crude oil, including diluted bitumen, are resistant to natural degradation processes and will persist in the environment. This can lead to fouling of beaches, ocean bottoms, with the attendant effects on ecosystems.

### Oil Spill Modelling

One objective of modelling is to run “what-if” scenarios. That is, to determine the direction and fate of an oil slick based on the environmental conditions such as water type, prevailing currents, the time of year, and wave energy. In this way spill response personnel and equipment can be strategically positioned and particularly vulnerable shorelines identified. Another use of modelling is in real-time scenarios in order to guide responders in the event of a spill. However, this can be somewhat difficult as key information often takes time to be determined, such as the volume and type of oil spilled.

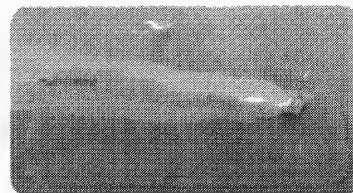
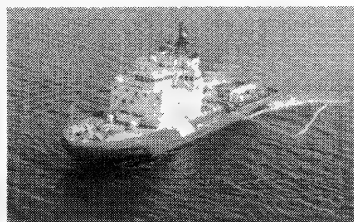
Models have become more sophisticated over the years, evolving from simple two-dimensional models of the spreading of an oil slick, to complex three-dimensional models that also predict dispersion into the water column. Model improvements have allowed scientists to better describe the impacts of wind and hydrodynamic variability on the fate and behaviour of oil, and the effectiveness of oil spill response measures, which in turn would allow for a more timely and effective response to any oil spill. The chemical and physical understanding of diluted bitumen, established by federal science over recent years, is foundational to the successful development and deployment of these models

*It may be frustrating to hear “it depends” when one asks how a spill of diluted bitumen will behave. But just like whether you wore a coat this morning “depended” on the temperature, or if it was raining, and conversely, your tolerance to cold and rain, the same with oil spills: their behavior depends on environmental factors, and the type of oil.*

***Oil spill modelling, and the science that feeds these models, is used to answer these “it depends” scenarios.***

### Oil Spill Response Methods

The main approaches for oil spill response are: (1) Mechanical clean-up: physical containment with booms and recovery using skimmers; (2) Spill treating agents ; (3) In-situ burning; (4) Translocation; and (5) Decanting; and (6) Natural attenuation.



Ideally, weather and response times would allow the deployment of booms to contain the spill and allow for recovery. However, effective boom deployment rests on the ability to detect and respond to the spill in



its early stages when it is still “containable”. That said, mechanical recovery is still the most common approach to oil spills.<sup>1</sup>

The remaining response methods are the focus of the Ocean Protection Plan’s alternative response measures (ARMs) program and the multi-partner research initiative. Spill treating agents, including dispersants, surface washing agents, and herders, represent chemical treatments to mitigate environmental impacts of a spill. In-situ burning has the potential to remove large quantities of oil in a short period. Translocation, the physical relocation of spilled material, has the potential to assist the natural breakdown of petroleum products while decanting can be of value in remote locations. None of the approaches are 100% effective, and in some instances a response operation may be focused on the monitoring of natural recovery (natural attenuation). Each of these approaches is associated with a different suite of benefits and risks. Ultimately, the most appropriate type of response will be situation dependent and will require a science-informed analysis of the risks associated with each available option (net environmental benefit analysis) relative to that of no-treatment.

### **C: WHAT ARE THE KNOWLEDGE GAPS?**

Four of the more comprehensive reports on oil spill preparedness and response were from the Tanker Safety Expert Panel (Part 1, 2013 and Part 2, 2014), the Royal Society of Canada (2015) and the US National Academy of Sciences (2016). Appendix A describes some of the key findings from these reports.

The main knowledge gap identified in these reports was the lack of data on the fate, behaviour and environmental effects of the full range of oil types, including diluted bitumen, in the full range of environmental conditions encountered across Canada, and in the Arctic. In particular, there is the need for this information to optimize spill response plans for a given region and its environmental conditions. Finally, for diluted bitumen, the need was identified to determine the extent to which oil weathering could affect spill response technologies and strategies.

### **D: FEDERAL RESEARCH INTO DILUTED BITUMEN SPILL BEHAVIOUR AND IMPACTS**

It is important that spill responders have the information needed to predict the evolution of the spill, determine the best response plan, and be equipped with effective spill response technologies. Lastly, they need to understand the impacts on the environment in order to focus longer-term environmental remediation efforts. The research, in progress since 2013, is addressing these needs.

Through the \$1.5B investment in the Oceans Protection Plan the Canadian government is putting in place the resources, processes, and training to reduce the potential for an oil spill to occur along our coastlines. But in the event of a spill, to have in place the spill response protocols and technologies needed to respond quickly and effectively. This is extending the investment in managing oil spills that began with the World Class Safety System program.

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<sup>1</sup> <https://response.restoration.noaa.gov/about/media/what-have-we-learned-about-using-dispersants-during-next-big-oil-spill.html>

Researchers in three federal departments, Environment and Climate Change Canada, Fisheries and Oceans Canada, and Natural Resources Canada, are carrying out studies to determine the fate, behaviour, and potential impacts of spilled diluted bitumen, bringing their unique expertise and resources to different aspects of the issue.

### Expertise

The federal science family working on diluted bitumen spill science has a considerable range of expertise that it is being used to study diluted bitumen spill behaviour. This includes experts in:

- Fundamental science of multi-phase behaviour: needed to understand how oil, water, and minerals interact;
- Petroleum chemistry and analysis: needed to determine the properties and composition of diluted bitumens;
- Petroleum processing: asking the question, can diluted bitumen properties be changed to improve spill behaviour;
- Toxicity: needed to determine impacts of diluted bitumen on biota in water environments;
- Ecosystems: necessary in regional response planning;
- Water chemistry analyses, including oil components that dissolve in water: needed to study the impacts and evolution of an oil spill;
- Remote surveillance: needed to detect and monitor oil spills;
- Pipeline integrity: needed to minimize the risk of a leak; If there is a leak, to minimize both the time for detection and volume of oil released.

*Federal scientists have published or presented over sixty papers on diluted bitumen science in peer-reviewed fora. (Appendix C)*

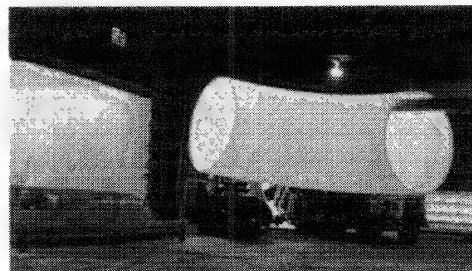
### Facilities

Federal research on diluted bitumen spills ranges from laboratory-based studies of the fundamentals of diluted bitumen spill behaviour to large-scale wave tank studies. These federal projects are being carried out at research facilities in Nova Scotia, Ontario, and Alberta.

In Alberta, two temperature-controlled spill tanks have been developed to study how a fresh oil behaves from sub-zero air temperatures (only in winter) to summer conditions. In Nova Scotia, wave tanks are being used to perform detailed studies of the effectiveness of treatment agents such as dispersants. In Ontario, a state-of-the-art climate-controlled test facility with a large flume tank that will allow for oil weathering studies over an extended period of time and with freezing conditions is nearing completion.

This research is supported by comprehensive and advanced analytical methods in all three federal departments.

With relevance to pipeline integrity, federal scientists and engineers also conduct research on pipeline corrosion, the manufacture of pipeline fittings, pipeline welding, and pipeline coatings, with all the associated research facilities. In



addition, a project to develop new techniques for detection of pipeline corrosion and leaks, spill containment, and for testing of pipe integrity is underway.

Lastly, the federal government has provided funding for several technology developers to improve spill recovery technologies, especially for heavy oils such as diluted bitumen. This includes funding of the development of an alternative response measure proposed by the British Columbia Research Institute. See Appendix F for a listing.

### **Efforts and Outcomes to date**

The following is a high-level overview of the federal research that is addressing the three key questions regarding diluted bitumen spill behaviour. A more detailed summary will be found in the “Proceedings of the National Peer Review on the Status of Knowledge of the Fate and Behaviour of Diluted Bitumen in Aquatic Ecosystems”, soon to be released. This will be a report on the state of knowledge of diluted bitumen spill behaviour, based on a meeting between federal and other scientists held in April, 2017.

The federal research has focussed on answering the following questions.

#### **Does a spill of diluted bitumen behave differently than a conventional crude, and if so, how is it different?**

#### **Here is what we are doing**

From 2013, with the advent of the World Class Tanker Safety Systems research program, research by federal scientists into oil spill behaviour, and in particular, diluted bitumen spill behaviour increased substantially. This work is continuing with the Oceans Protection Plan. The research has ranged from bench-scale, fundamental research, to wave-tank studies to characterize the behaviour of diluted bitumen and other oil products in a range of conditions that can be found in Canada. The factors being studied include type of water (fresh or saline), type of diluted bitumen products, temperature, presence of sediment, and length of time. Studies of conventional crude and heavy fuel oils under the same spill conditions have been included for comparison.

In addition to R&D on diluted bitumen behaviour and recovery, the federal government invests about \$2.6M per year on pipeline integrity R&D as well as \$300K per year on geological hazards related to pipelines. The main areas of research include:

- Understanding corrosion and cracking phenomena in pipelines, identifying integrity threats and developing mitigation strategies;
- Identifying the required properties of steels and welds for use in new pipelines;
- Developing methods for testing modern steels and welding technologies to achieve these required properties;
- Developing new high-strength steel alloys; and
- Developing methodologies, sensors and practices for evaluating and controlling corrosion in pipelines.

This work aims to develop stronger and safer new pipelines as well as to maintain existing pipelines with improved safety and reliability.

### Findings

Research undertaken by federal government scientists over the past five years has improved our understanding of the fate and behaviour of a number of diluted bitumen products should they spill into marine and fresh waters. This knowledge includes: physical and chemical properties of fresh and weathered diluted bitumen, interactions with sediments and shoreline materials, and how this changes as the diluted bitumen weathers. Additionally, we are better able to predict the fate, behaviour and biological effects of spilled diluted bitumen, utilizing this new knowledge and employing enhanced meteorological and hydrodynamic data in improved spill models.

*Natural Resources Canada has nine science experts working in the area of oil spill behaviour and response with a current annual budget of about \$2M.*

Specifically:

- Some diluted bitumen types have been shown to float under conditions where a conventional crude dispersed into the water column (wave-tank scale). The extent to which a diluted bitumen floated depended on the oil composition and temperature; the warmer the water, the more prone it was to dispersing into the water;
- The length of time a diluted bitumen sample will remain floating (and so more recoverable) will depend on its composition and environmental factors (same as for conventional crudes) ;
- The oils ability to pick up sediment, and so have more tendency to sink, decreases as the diluted bitumen weathers.

### Will existing spill response technologies work for spills of diluted bitumen?

**Here is what we are doing:**

The federal government is investing up to \$50M into oil spill response technologies though programs such as *Oil Spill Response Science Program* (OSRS) and future programming through the Oceans Protection Plan. For example, more than eight projects funded through OSRS are focused on improving recovery technologies and processes for the clean-up of heavy oil products spilled in marine environments. These projects are in collaboration with academia, industry and oil spill responders and will help build more solutions into this space. See Appendix F for more details.

### Findings

Diluted bitumen behaviour falls within the range of conventional oil products and so conventional mechanical methods have been found effective, especially in the initial stages of a spill.

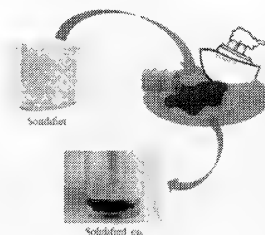
Viscosity of the oil will be an important factor in any mechanical recovery system: higher viscosity oils will tend to remain together, but be harder to pump the oil as it is removed from a skimmer (for example), while lighter oils will spread faster, but be easier to pump.

Other findings include:

- With weathering dilbit, more than synbit, will have significantly increased viscosity. Consequently, skimmers for high viscosity floating oil would need to be available for use;
- Alternative response measures (herders, solidifiers, surface washing agents) will be studied for their effectiveness on diluted bitumen. A database of effectiveness for spills of diluted bitumen, under what environmental conditions, will be created;
- Under conditions simulating breaking waves, where chemical dispersants have proven effective with conventional crude oils, a chemical dispersant had quite limited effectiveness in dispersing a diluted bitumen (large wave tank);
- Knowledge is being developed of the applicability of certain countermeasures to respond to diluted bitumen spills, shoreline characterization, and penetration and retention of diluted bitumen on shorelines;
- Methods to detect and monitor oil on shorelines with unmanned aerial vehicles have been successfully tested;
- While not a spill recovery technology per se, scientists are conducting studies on whether a 'pre-treatment' of the diluted bitumen can improve its spill behaviour;
- Solidification agents are being designed as possible agents to treat diluted bitumen spills.

*Fisheries and Oceans Canada has committed to invest \$77.7M from 2013 to 2022 to work on oil spills, including diluted bitumen spills.*

*They have a team of 15 scientific experts working in this area.*



**Will a spill of diluted bitumen have a different effect on the environment than that of a conventional crude oil?**

**Here is what we are doing**

Environment and Climate Change Canada, along with Fisheries and Oceans Canada are studying both the impacts of a spill of diluted bitumen on biota, as well as mapping the baseline ecological state of the coastal ecosystems that could be affected by an oil spill.

## Findings

- Baseline studies of ecosystems along the BC northern coast are being done. These studies can be used, for example, to identify more fragile ecosystems on which regional response plans could focus;
- Biodegradation studies confirm a similar behaviour as that for conventional crudes: certain smaller molecules in the oil are significantly biodegraded, but not the heavier ends;
- Photolysis studies of diluted bitumen as compared to conventional crudes have been carried out;
- Researchers are conducting toxicity end-point studies to determine toxicity end-points, that is how does the toxicity of the water change with time after a spill and how does toxicity vary with different petroleum products (conventional crude, diluted bitumen, or fuel products;

*Under the Oceans Protection Plan, Environment and Climate Change Canada has approximately 25 science staff and \$3.5M per year for these studies.*

A bibliography of published findings is provided in Appendix C.

Activities under the Oceans Protection Plan will contribute significantly more to this body of knowledge. See Appendix E for details.

## Dissemination of knowledge

In the event of a spill, the mechanism by which the government of Canada knowledge is accessed in response to a spill incident can vary slightly depending on the location and nature of the spill; however, in general, strategic technical advice is coordinated through ECCC's National Environmental Emergencies Centre (NEEC). The NEEC provides support for environmental emergencies on a 24/7 basis and is the federal government agency that typically coordinates GoC stakeholder collaborations.

More generally, the knowledge generated regarding diluted bitumen spill behaviour can be used to run predictive modelling scenarios under various conditions and locations. These can then be used in regional response planning to prioritize deployment of resources.

The Open Government data portal is one of the mechanisms being used to provide access to data resulting from studies conducted by federal government scientists. Two examples of this data are;

Physiochemical properties of petroleum products database;

<https://open.canada.ca/data/en/dataset/53c38f91-35c8-49a6-a437-b311703db8c5>

Shoreline classification data including that for the Northern BC Coastline is included in the links below. Additional information and supplementary data including videos and photographs will be added later.

<b>Open Government Portal</b>
<u>Shoreline Segmentation with Shoreline Cleanup Assessment Technique (SCAT) Classification</u>
<u>Atlantic Shoreline Classification</u>
<u>Ontario Shoreline Classification</u>
<u>Quebec - Saint-Lawrence River - Shoreline Classification</u>
<u>Northern Canada Shoreline Classification</u>
<u>North Coast of British Columbia Shoreline Classification</u>

## Collaborations

Under the Oceans Protection Plan, Fisheries and Oceans Canada is leading a multi-partner research

*Fisheries and Oceans Canada has on-going collaborative research agreements to study the fate, behavior and impact of oil spilled in aquatic environments with academia (University of Ottawa, Simon Fraser University, University of Victoria, University of Guelph, University of Victoria, Saint Mary's and Dalhousie Universities, and New Jersey Institute of Technology), and international partners (the State Oceanic Administration of China, the Australian Wealth from Oceans National Research Flagship, and United States Environmental Protection Agency).*

initiative (MPRI) with the objective to form collaborations with the best oil spill researchers in the world. The MPRI is led by Fisheries and Oceans in collaboration with Natural Resources Canada, Environment and Climate Change Canada, Transport Canada, and Canadian Coast Guard. To guide this work an advisory committee was established, of which British Columbia is a member.

There was general agreement among advisory committee members that much work remains to be done with regards to alternative response measures (ARMs) in Canada. It was suggested that MPRI should focus on funding research that will support ARMs development for Canada.

In that context, the following research priorities were raised noting that they will need to focus on the science required for public and regulatory acceptance:

- Natural attenuation (focus on the potential biodegradation rates for oil and refined products).
- Chemical spill treating agents, e.g. dispersants, surface washing agents and herders
- Oil translocation (studies on shoreline clean-up)
- Decanting (review of technologies and regulatory hurdles)
- Field studies with controlled oil spills in the environment (could include Arctic and other cold water/harsh environments).
- Oil detection and monitoring (in the atmosphere, on/in water, in sediments) using remote and in-situ devices, development of oil spill trajectory models, and improve our understanding of oil behaviour, fate, transport and biological effects.
- Open data to improve methods of data sharing will focus on improved methods of data sharing (e.g., data base libraries) to support net environmental benefit analysis (NEBA) and the

development of decision making tools for selection of response tools and determination of end-points for treatment.

- Strengthened science communication and engagement plan on oil spill research to build public confidence in Canada's ability to respond to oil spills, particularly with Indigenous groups. Similarly, the need to build and maintain (via ongoing engagement) positive relationships with Indigenous communities in order to build trust.

BC specific issues raised at the Advisory Committee meeting:

- The meeting highlighted the need for direct engagement with indigenous communities in BC and other coastal communities.
- The National Oceanic and Atmospheric Administration (NOAA) agreed that we should promote collaboration with their scientists on the west coast with others to generate baseline data and enhance the quality of oil spill trajectory modelling on the Pacific west coast.



## **APPENDIX A: PREVIOUS REPORT FINDINGS**

**Tanker Safety Expert Panel – “A Review of Canada’s Ship-Source Oil Spill Preparedness and Response Regime: Setting the Course for the Future” (Part 1, 2013) and “A Review of Canada’s Ship-Source Oil Spill Preparedness and Response Regime: Setting the Course for the Future, Phase II and Requirements for the Arctic and for Hazardous and Noxious Substances Nationally” (Part 2, 2014)**

### **Part 1 findings:**

The Panel determined that the response regime had “stood the test of time” but that there were a number of improvements that could be made. In particular, regarding oil spill science, they asserted that starting points should be that spill response planning should be based on the specific needs of the geographic area.

Recommendations of the Panel encompassed issues around risk assessment, response planning (including a wildlife aid strategy), strengthening the “polluter pay” principle, enhancing stewardship, remove legislative barriers to alternative response measures, increasing scientific advice for spill preparedness, increased communication, and continuous improvement. They state that “...The Government of Canada should work closely with industry to establish a national research and development program for oil spill preparedness and response....”

### **Part 2 findings:**

Specifically regarding the science of oil spills, they acknowledge that while there has been a significant body of research on oil spills under arctic conditions, knowledge gaps remained that need to be addressed.

**Royal Society of Canada Expert Panel - “Behaviour and Environmental Impacts of Crude Oil Released in Aqueous Environments” (2015).**

The Panel found that while the crudes transported in Canada cover a wide range of types from light oils to bitumen, and that their properties determine how rapidly a slick from a spill would spread, sink, or disperse, they concluded that “the overall impact of an oil spill, including the effectiveness of an oil spill response, depends mainly on the environment and conditions (weather, waves, etc.) where the spill takes place and the time lost before remedial operations”. The highest research priorities they identified were (quoting directly from the document):

1. Research is needed to better understand the environmental impact of spilled crude oil in high-risk and poorly understood areas, such as Arctic waters, the deep ocean and shores or inland rivers and wetlands.
2. Research is needed to increase the understanding of effects of oil spills on aquatic life and wildlife at the population, community and ecosystem levels.
3. A national, priority-directed program of baseline research and monitoring is needed to develop an understanding of the environmental and ecological characteristics of areas that may be affected by oil spills in the future and to identify any unique sensitivity to oil effects.

4. A program of controlled field research is needed to better understand spill behaviour and effects across a spectrum of crude oil types in different ecosystems and conditions.
5. Research is needed to investigate the efficacy of spill responses and to take full advantage of 'spills of opportunity'.
6. Research is needed to improve spill prevention and develop/apply response decision support systems to ensure sound response decisions and effectiveness.
7. Research is needed to update and refine risk assessment protocols for oil spills in Canada.

Specifically regarding diluted bitumen they found that:

- There was not enough information to determine if it would be less or more toxic to the environment;
- More data was needed on diluted bitumen composition and properties;
- More study was needed regarding evaporative losses from diluted bitumens when spilled and how that affects spill behaviour, for example, adhesion to surfaces.

**The United States' National Academy of Science - "Spills of Diluted Bitumen from Pipelines: A comparative study of environmental fate, effects, and response" (2016)**

This study was to determine if the effects on ecosystems of spilled diluted bitumen would be different enough from that of a conventional crude oil to merit changes in regulations regarding spill response.

They concluded that:

- the key differences of diluted bitumen are the high density, viscosity and adhesion properties of the bitumen, and that these will dictate environmental behaviour;
- The initial environmental processes, behaviour and toxicity of a spill of diluted bitumen is similar to other crudes. As the oil weathers, the bitumen properties have a larger impact on the spill behaviour, and which "...merit special response strategies";
- As bitumen weathers they determined that some areas of concern worsened as compared to conventional crudes (e.g. potential to sink, persistence, fouling and coating), while other concerns improved (e.g. air emissions and spreading, aquatic toxicity);
- They concluded that "the differences in the chemical and physical properties relevant to environmental impact warrant modifications to the regulations governing diluted bitumen spill response plans, preparedness, and cleanup."

## **APPENDIX B: PREVIOUS SPILLS OF DILUTED BITUMEN**

### **Burrard Inlet, BC (2007)**

This was a spill that resulted from a backhoe operator smashing into a pipeline carrying diluted bitumen to the marine terminal. About 440 barrels of oil reached the Burrard Inlet. The material that reached the inlet floated and was quickly contained and a significant portion (estimated up to 90%) was recovered using sorbents, skimmers and vacuum trucks (being close to the shore). The calm seas and extremely quick response times led to a relatively successful outcome for the oil that reached the inlet.

### **Kalamazoo, Michigan (2010)**

On July 26, 2010, a pipeline carrying diluted bitumen ruptured, and, due to circumstances at the time (a planned shutdown of the line had been initiated) the rupture went undetected for over two days. About 20,000 barrels reached the Kalamazoo River. The diluted bitumen that reached the nearby river floated, but later became entrained in sediment. While most of the recoverable oil was recovered by skimming and shore cleaning techniques, sub-surface recovery also had to be carried out. Initial conditions: rapidly flowing river and warm temperatures.

For comparison, after the Lac Mégantic explosion and fire on July 6<sup>th</sup>, 2013, the light Bakken crude entered the Chaudière River as well Lake Mégantic<sup>2</sup>. In these case, while some oil floated, some also became entrained in bottom sediment.<sup>3</sup>

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<sup>2</sup> <http://www.mddelcc.gouv.qc.ca/infuseur/communiqué.asp?no=2537>

<sup>3</sup> De Santiago et al. International Journal of Water and Wastewater Treatment, 2.1, 6 pp. (2015).

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Wheeler, R. and C. Burgess, Canadian National Railway Ruel 88.7 Gogama Derailment: An Account of Mattagami First Nation Involvement, Proceedings of the Thirty-ninth AMOP Technical Seminar, Environment and Climate Change Canada, Ottawa, ON, pp. 668-685, 2016.

Winter, J. and R. Haddad, Ecological Impacts of Dilbit Spills: Considerations for Natural Resource Damage Assessment, Proceedings of the Thirty-seventh AMOP Technical Seminar on Environmental Contamination and Response, Environment Canada, Ottawa, ON, pp. 374-400, 2014.

Yee, D., F.O. Dion, C. Smith, P. Videla, and T. Rodolakis, Human Health Risk Assessment: Acute and Chronic Biological Effects from Hypothetical Releases of Diluted Bitumen into Sensitive Watercourses, Proceedings of the Thirty-Eighth AMOP Technical Seminar, Environment Canada, Ottawa, ON, pp. 582-606, 2015.



## **APPENDIX E - THE OCEANS PROTECTION PLAN**

The Oceans Protection Plan (OPP), announced on November 7, 2016, is a national \$1.5 billion, five-year plan that includes significant investments to build a world-leading marine safety system and strengthen the environmental stewardship of Canada's coasts. The OPP is led by Transport Canada in partnership with other federal departments and agencies, including the Canadian Coast Guard (CCG), Natural Resources Canada (NRCan), Fisheries and Oceans (DFO), and Environment and Climate Change Canada (ECCC)

The Ocean's Protection Plan builds on, and goes significantly beyond, the federal World Class Tanker Safety System (WCTSS) program that started in 2013 in response to an increased volume of oil products being transported across Canada and stakeholder concerns regarding the potential for oil spills in marine and freshwater environments.

The OPP has four pillars: 1) To improve marine safety and responsible shipping; 2) Protect Canada's marine environment; 3) Strengthen partnerships with indigenous communities; and 4) Invest in science for evidence-based decision making.

Information on the fate and behaviour of all petroleum products spilled in any type of water (salt, brackish or fresh) during all climatic conditions found across Canada is essential for the planning and developing of strategies by Canadian oil spill responders, and those responsible for disaster preparedness planning.

The following research priorities were identified, noting the need to focus on the science required for public and regulatory acceptance:

- Natural attenuation (focus on natural recovery processes including potential biodegradation rates, and all other weathering mechanisms, for oil and refined products).
- Chemical treating agents (primarily focused on surface and subsurface application of chemical oil dispersants, but may also include other agents such as solidifiers, surface cleaning agents, or herders)
- Oil translocation (studies on shoreline clean-up)
- Decanting (review of oil-water separation technologies and regulatory hurdles)
- In-situ burning (burning of oil slicks at sea)
- Field studies with controlled oil spills in the environment (could include Arctic and other cold water/harsh environments).
- Oil detection (in the atmosphere, on/in water, in sediments) using remote and in-situ devices, development of oil spill trajectory models, and improve our understanding of oil behaviour, fate, transport and biological effects.

In response to these research needs the Oceans Protection Plan research program concentrates on:

- Properties of the spilled petroleum and how they change with a focus on (1) Development of methods to characterize spilled petroleum and correlate field and bench top measurements, (2) Update methods for measuring the toxicity of petroleum, including diluted bitumen, to aquatic organisms, (3) Characterization of petroleum products shipped in Canada, (4) Rapid analysis of products and samples during spills, e.g. fluorescence spectroscopy and (5) Development of operational endpoints for oil spill clean-up.

- The relevance of environmental conditions at the time of a spill, focusing on enhanced weather and ocean monitoring.
- Provide the science to support the accuracy of Net Environmental Benefit Analysis (NEBA) that will support decision making by oil spill responders based on our understanding of the potential consequences of a spill, the remediation options available, and their effectiveness relative to natural recovery.

These science activities are being used to to minimize environmental, social, and economic impacts and also seek to address priority concerns of Indigenous communities in the region.

## APPENDIX F – FUNDED PROJECTS FOR OIL SPILL RESPONSE TECHNOLOGY DEVELOPMENT

The table shows only those agreements that have been signed and announced. There are several projects that have been identified for funding but are not yet announced, or are the contracts are yet to be signed with the technology developer.

Proponent	Proposal Name	Federal Funding (\$)	Total Project Costs (\$)	Objective
University of Alberta	Advanced Membrane-Based Hybrid Process for Oil Spill Removal in Marine Environments	600,000	1,650,000	develop an on-board membrane based hybrid oil/water separation system to increase the capacity of the recovery vessel,
BC Research Inc.	The Development of Hybrid Rapid Response Agents to Mitigate the Impact of Oil Spills in Marine Environments	925,896	1,286,480	accelerate the development of a hybrid spill-treating agent (STA) as a rapid response agent to combat marine oil spills at large scale.
Centre for Cold Ocean Resources Engineering (C-CORE)	Development of an Integrated Mechanical Recovery and Oil Spill Response System for Heavy Oil in Cold and Ice Prone Marine Environments	991,505	1,896,905	increase the efficiency of existing mechanical recovery systems in collecting heavy oil dispersed in water columns below the water surface
University of Toronto	Development of In-Situ Foam Filtration System for Oil Spill Recovery	400,000	807,000	develop a sorbent-based direct oil collector (called In-Situ Foam Filtration System or ISFFS). This system will be capable of directly reclaiming the dissolved, emulsified, dispersed, and free oil from marine spill sites.

## Longtin, Jean

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**From:** McPherson, Arran  
**Sent:** April-12-18 9:25 AM  
**To:** Stringer, Kevin  
**Subject:** Re: Federal contributions to the BC Spill Response process

We have been talking to Laura but there are others who were at last week's briefing. I can send you who else was there.

Sent from my BlackBerry 10 smartphone on the Bell network.

Original Message

**From:** Stringer, Kevin  
**Sent:** Thursday, April 12, 2018 10:39 AM  
**To:** McPherson, Arran  
**Subject:** Re: Federal contributions to the BC Spill Response process

I will talk to Anne L. We will want to ensure PCO Comms is good with the timing. And who is it in MINO that you have connected with?

Thanks

KS

Sent from my BlackBerry 10 smartphone on the Rogers network.

Original Message

**From:** McPherson, Arran  
**Sent:** Thursday, April 12, 2018 8:04 AM  
**To:** Stringer, Kevin  
**Subject:** Re: Federal contributions to the BC Spill Response process

I am in Nfld today. I could call you? Arran

Sent from my BlackBerry 10 smartphone on the Bell network.

Original Message

**From:** Stringer, Kevin  
**Sent:** Thursday, April 12, 2018 9:13 AM  
**To:** McPherson, Arran  
**Subject:** FW: Federal contributions to the BC Spill Response process

Can you come see me when you get in this morning.

Thanks

KS

-----Original Message-----

**From:** Blewett, Catherine

Sent: Thursday, April 12, 2018 7:42 AM

To: Stringer, Kevin <Kevin.Stringer@dfp-mpo.gc.ca>

Subject: Fw: Federal contributions to the BC Spill Response process

s.21(1)(b)

Fyi

Sent from my BlackBerry 10 smartphone on the Rogers network.

Original Message

From: Lucas, Stephen (EC) <stephen.lucas@canada.ca>

Sent: Thursday, April 12, 2018 7:52 AM

To: Rascanin, Natasha; Keenan, Michael (Ext.); Tremblay, Christyne (NRCAN/RNCAN); Blewett, Catherine; 'Christiane Fox'; Hutchinson, Jeffery

Cc: White, Belinda (EC); Coleman, Robert (EC); Moffet, John (EC); 'O'Leary, Alison'; Little, Jennifer; Hubbard, Terence (NRCAN/RNCAN); Geller, Hilary (EC); Khosla, Jay (NRCAN/RNCAN); Wheatley, Michelle; MacDonald, Lori; 'Dickson, Samantha Maislin'; Corbin, Claude; Clark, Caroline (EC); Hanson, Lawrence; Sloan, Naina (NRCAN/RNCAN); Dick, Robert  
Subject: Re: Federal contributions to the BC Spill Response process

Hi - the package is coming along well. I offer a few comments on it in general, and on the introductory and science sections in specific.

As I understand it, we are trying to do 2 things with these documents: provide a federal response to BC Intentions paper, and provide a federal document that can help inform on the BC consultations on their Intentions paper given that it didn't mention federal regimes, measures like OPP and science. The documents are well framed towards the latter objective, but are largely silent on the BC paper. This could be bridged by adding an introductory paragraph to the Overview section of the Summary, which frames the purpose of the document(s) and refers to the BC paper, noting that it does not provide the full context given lack of reference to federal regimes, investments and expertise.

The proposed Introductory paragraph(s) then set up why we are providing the input on Government of Canada actions to prevent, plan and respond to spills. The first page of your summary document lays out the key themes well, but could be strengthened with a couple of changes:

- in first paragraph, add "including pipelines" to mention of infrastructure. Also, I could replace "resilience of NR industries" with "competitiveness"
- I think that you need to make point about jurisdiction in second paragraph. We have clear jurisdiction for interprov pipelines, rail and marine, and have strong, world-leading regimes.
- I would give a stronger mention to OPP in its own paragraph - not just the \$, but what it will deliver.
- add a paragraph on science in intro, to set up the section that follows. Essential points are that federal govt has been undertaking oil spill and response research for over 35 years; that it has stepped up work over past decade, supported by new investments including through OPP, to understand fate and behavior of oils including diluted bitumen in marine and freshwater environments to inform planning and response; and that through extensive peer-reviewed, publicly-accessible publications and data supported by assessments of the state of knowledge it has shown that diluted bitumen behavior in ocean and freshwater falls into the range of conventional crude oil products and can be cleaned up using the same tools customized to the situation through sophisticated real-time modelling that the government has also invested in.

I would use a similar storyline for the science section on the page that follows. I'm attaching the document that we tabled with BC on February 14, as it has the overall storyline in it about the purpose, history, scope, reviews and results of federal oil spill and response research. I know that you've drawn on it, but I think as Michael noted that we can make clear the points that we've been doing this for a long time, that we have a solid base of peer reviewed, publicly accessible knowledge, and that we're deepening it at an accelerated rate through investments in OPP. The soon-to-be released DFO-led assessment of the state of dilbit science should also be referenced. I think that we should also

reference the February 13 (attached) summary document which would also be good to post as it has the bibliography of recent publications.

For the deck, I think that you need a bullet on what we know from the science to date (as per above). As well, I think that more can be added on OPP, noting that it complements our strong legislative regimes for marine safety.

Great work - hope this input is helpful, Steve

From: Rascanin, Natasha

Sent: Tuesday, April 10, 2018 6:18 PM

To: Lucas, Stephen (EC); Keenan, Michael (Ext.); Tremblay, Christyne (NRCAN/RNCAN); 'Catherine Blewett'; 'Christiane Fox'; 'Hutchinson, Jeffery'

Cc: White, Belinda (EC); Coleman, Robert (EC); Moffet, John (EC); 'O'Leary, Alison'; Little, Jennifer; Hubbard, Terence (NRCAN/RNCAN); Geller, Hilary (EC); Khosla, Jay (NRCAN/RNCAN); 'michelle.wheatley@dfo-mpo.gc.ca'; MacDonald, Lori; 'Dickson, Samantha Maislin'; Corbin, Claude; Clark, Caroline (EC); Hanson, Lawrence; Sloan, Naina (NRCAN/RNCAN); Dick, Robert

Subject: RE: Federal contributions to the BC Spill Response process

Hello all,

Attached you will find the following documents:

1. overview federal document - tightened to be more direct and hard-hitting, though we may need to consider whether science section (or any of the others) needs any further adjustments given evolving context, and most recent conversations
2. set of slides setting out the federal overview, for inclusion at the front end of the very long (almost 100 slide) deck that BC uses during its consultation sessions - in the slides, we reference the federal paper, which could be available for distribution to consultation participants (next Indigenous consultation session is on Friday, April 13)
3. annexes for each of the sections that provide greater detail about each section

This is now the penultimate complete package, and once again, many thanks to all who input and worked diligently throughout.

Any comments on the first two documents in particular would be needed fairly quickly, as various members of our respective teams are either on their way to BC, or are getting ready to participate by video or phone in two sets of meetings:

1. Tomorrow federal HQ and regional teams are meeting to connect and share briefing as needed with those who will actually attend the consultation sessions; and
2. They will also finalize the strategy for discussion with BC officials (ADM and DG level across various provincial departments) scheduled on Thursday, April 12. The federal and provincial officials are meeting for almost the entire day, and will talk through the content of the papers, as well as discuss BC position and process. They will also seek agreement on inclusion of the slides (we already have that agreement notionally at DM and ADM levels).

We continue to work on finalizing the entire set of documents for ultimate final submission to the BC consultation process, as well as scenario options on how to make the federal submission public (multi-Ministerial statement, etc, to be determined). The feedback from the next few days will help finalize that documentation, as will your input.

Natasha

-----Original Message-----

From: Rascanin, Natasha

Sent: Sunday, April 08, 2018 10:43 AM

To: 'Lucas, Stephen (EC)' <stephen.lucas@canada.ca>; Keenan, Michael <Michael.Keenan@tc.gc.ca>; Tremblay, Christyne (NRCAN/RNCAN) <christyne.tremblay@canada.ca>; Catherine Blewett <catherine.blewett@dfo-mpo.gc.ca>; 'Christiane Fox' <Christiane.Fox@pco-bcp.gc.ca>; 'Hutchinson, Jeffery' <Jeffery.Hutchinson@dfo-mpo.gc.ca>  
Cc: 'White, Belinda (EC)' <belinda.white@canada.ca>; Coleman, Robert (EC) <robert.coleman@canada.ca>; 'Moffet, John (EC)' <john.moffet@canada.ca>; 'O'Leary, Alison' <Alison.O'Leary@pco-bcp.gc.ca>; Little, Jennifer <jennifer.little@tc.gc.ca>; Hubbard, Terence (NRCAN/RNCAN) <terence.hubbard@canada.ca>; Geller, Hilary (EC) <hilary.geller@canada.ca>; 'Khosla, Jay (NRCAN/RNCAN)' <jay.khosla@canada.ca>; 'michelle.wheatley@dfo-mpo.gc.ca' <michelle.wheatley@dfo-mpo.gc.ca>; MacDonald, Lori <Lori.MacDonald@tc.gc.ca>; 'Dickson, Samantha Maislin' <SamanthaMaislin.Dickson@justice.gc.ca>; Corbin, Claude <claudio.corbin@tc.gc.ca>; 'caroline.clark@canada.ca' <caroline.clark@canada.ca>; Hanson, Lawrence <Lawrence.Hanson@tc.gc.ca>; 'Sloan, Naina (NRCAN/RNCAN)' <naina.sloan@canada.ca>  
Subject: RE: Federal contributions to the BC Spill Response process

Good morning,

I am attaching the longer science annex to this email, as it will need to be further aligned with how the overview story is being adjusted, as discussed below.

The other 3 annexes (marine, rail and surface, and pipelines) I will be sending to ADMs and teams for one further set of inputs, as we are not yet caught up to how the overall storyline/summary has evolved and there are some inconsistencies in structure and approach that need to be sorted.

We are still in good shape on timelines. The overview summary will need to be wrapped up by mid-week at the latest, as the next BC consultation is on Friday, which a subset of our teams will be attending. and we would want to use the overview at that point.

For the full formal submission (and strategy how we implement; what is put out publicly etc), we are working up a scenario note. It is for the formal submission that we would need the full package to be completely final; we are targeting mid-week this week for full package going back to DMs.

If needed, we can set up an ADM call tomorrow to discuss further, but it may not be necessary; we are trying to put outstanding elements in a message to all that will go shortly.

Thank you,  
Natasha

-----Original Message-----

From: Rascenin, Natasha

Sent: Friday, April 06, 2018 5:25 PM

To: 'Lucas, Stephen (EC)' <stephen.lucas@canada.ca>; Keenan, Michael <Michael.Keenan@tc.gc.ca>; Tremblay, Christyne (NRCAN/RNCAN) <christyne.tremblay@canada.ca>; Catherine Blewett <catherine.blewett@dfo-mpo.gc.ca>; Christiane Fox <Christiane.Fox@pco-bcp.gc.ca>; 'Hutchinson, Jeffery' <Jeffery.Hutchinson@dfo-mpo.gc.ca>  
Cc: White, Belinda (EC) <belinda.white@canada.ca>; Coleman, Robert (EC) <robert.coleman@canada.ca>; Enei, George (EC) <george.enei@canada.ca>; Geller, Hilary (EC) <hilary.geller@canada.ca>; Moffet, John (EC) <john.moffet@canada.ca>; 'O'Leary, Alison' <Alison.O'Leary@pco-bcp.gc.ca>; Little, Jennifer <jennifer.little@tc.gc.ca>; Hubbard, Terence (NRCAN/RNCAN) <terence.hubbard@canada.ca>; 'Khosla, Jay (NRCAN/RNCAN)' <jay.khosla@canada.ca>; 'michelle.wheatley@dfo-mpo.gc.ca' <michelle.wheatley@dfo-mpo.gc.ca>; 'Dickson, Samantha Maislin' <SamanthaMaislin.Dickson@justice.gc.ca>; Corbin, Claude <claudio.corbin@tc.gc.ca>; 'caroline.clark@canada.ca' <caroline.clark@canada.ca>  
Subject: RE: Federal contributions to the BC Spill Response process

Good afternoon all:

Attached you will find the latest iteration of the overview federal document for review, which incorporates most comments received to date. NRCAN has provided input as per item 1 below, and it is incorporated. The Science section (#2) is outstanding.

We have received all the input to the very long set of technical annexes for each of the federal regimes, however, we have not had time to review fully. I am loath to send those tonight; my team and I will do one consistency scrub and send out over the weekend.

Further, we have developed federal context overview slides for inclusion in the BC consultations deck; the slides are with departments right now for vetting and comment. We are suggesting 6 slides outlining the federal regime (and referring to the overview paper) at the front end of the 92 (now 98) slide BC package. The federal slides will also come to you for comment, following integration of departmental input.

Thank you very much to all the teams for lots of work on this material.

Natasha

-----Original Message-----

From: Lucas, Stephen (EC) [mailto:stephen.lucas@canada.ca]

Sent: Friday, April 06, 2018 4:37 PM

To: Keenan, Michael <Michael.Keenan@tc.gc.ca>; Tremblay, Christyne (NRCAN/RNCAN) <christyne.tremblay@canada.ca>; Catherine Blewett <catherine.blewett@dfo-mpo.gc.ca>; Christiane Fox <Christiane.Fox@pco-bcp.gc.ca>

Cc: White, Belinda (EC) <belinda.white@canada.ca>; Coleman, Robert (EC) <robert.coleman@canada.ca>; Rascanin, Natasha <Natasha.Rascanin@tc.gc.ca>; Enei, George (EC) <george.enei@canada.ca>; Geller, Hilary (EC) <hilary.geller@canada.ca>

Subject: Re: Federal contributions to the BC Spill Response process

Ok, thanks. It would be great to get the updated version this pm, and we will work to provide that input for Monday along with any other comments (I will go through it this weekend).

Steve

Stephen Lucas, Ph.D.

Original Message

From: Keenan, Michael (Ext.)

Sent: Friday, April 6, 2018 3:31 PM

To: Tremblay, Christyne (NRCAN/RNCAN); Lucas, Stephen (EC); Catherine Blewett; Christiane Fox

Cc: White, Belinda (EC); Coleman, Robert (EC); Rascanin, Natasha

Subject: Federal contributions to the BC Spill Response process

A draft federal submission to the as been circulating. It is coming along. It now has a summary, as well as extensive details on the federal system. A new version is coming out shortly from Natasha.

I, as well as others, have provided comments on the summary. My comments have focused on being clearer on the big achievements and strong points of the federal system -- highlighting those features that make it world leading with a view to making it sharper. Natasha and the team here is revising it.



Steve, Christyne, there are two sections where they will need your folks to make the changes.

1) on pipelines, I asked Natasha to go back to NRCAN folks to adjust the story to really sell the key. Features that make it world leading - I feel the pipeline summary undersells on this point.

2) on science on heavy oil, the points are ok, but to my mind they are not nearly as good as the story your outlined to Mark in that meeting at the Vancouver airport a while ago. You had more compelling points, and had quantified the number of peer reviewed studies etc. It would be great to capture the magic of that in the summary. Natasha is asking you folks to replicate that.

Cheers

Michael

Michael Keenan  
Deputy Minister - Sous-ministre  
Transport Canada -Transports Canada  
1-613-990-4507  
michael.keenan@tc.gc.ca

## Butcher, Ashley

---

**From:** White, Andrea  
**Sent:** Thursday, April 12, 2018 3:39 PM  
**To:** Hill, Johanna; Parker, Mia; Lajeunesse, Stephanie; Harber, Lee  
**Cc:** Wheatley, Michelle; Armstrong, Carolyn  
**Subject:** RE: TIME SENSITIVE -URGENT INFORMAL: OPP stats

**Importance:** High

Hi All,

See below for our response to the request for Science input on this one:

*DFO Science is not undertaking any specific monitoring activities in B.C. with First Nations under OPP.*

*DFO Science is currently engaging First Nations in B.C. on working together to collect coastal environmental baseline data in and around the ports of Prince Rupert and Vancouver. Results will not only provide an open source of data that can characterize ecosystems, but may also support evidence-based decision making.*

Thanks,  
Andi

---

**From:** Hill, Johanna  
**Sent:** April-12-18 2:23 PM  
**To:** Parker, Mia; Trudeau, Miriam  
**Cc:** Harber, Lee; Mackenzie, Joey; Malko, Carol; Butcher, Ashley; Jarjour, Jasmine; Kahn, Zoe; Marroquin, René; Chin, Melanie; Wheatley, Michelle; Lajeunesse, Stephanie; White, Andrea  
**Subject:** RE: TIME SENSITIVE -URGENT INFORMAL: OPP stats

Miriam.

We expect to have something for Mino around 16:00.

Johanna

**From:** Parker, Mia  
**Sent:** Thursday, April 12, 2018 2:20 PM  
**To:** Trudeau, Miriam <Miriam.Trudeau@dfo-mpo.gc.ca>  
**Cc:** Harber, Lee <Lee.Harber@dfo-mpo.gc.ca>; Mackenzie, Joey <Joey.Mackenzie@dfo-mpo.gc.ca>; Malko, Carol <Carol.Malko@dfo-mpo.gc.ca>; Butcher, Ashley <Ashley.Butcher@dfo-mpo.gc.ca>; Jarjour, Jasmine <Jasmine.Jarjour@dfo-mpo.gc.ca>; Kahn, Zoe <Zoe.Kahn@dfo-mpo.gc.ca>; Marroquin, René <Rene.Marroquin@dfo-mpo.gc.ca>; Hill, Johanna <Johanna.Hill@dfo-mpo.gc.ca>; Chin, Melanie <Melanie.Chin@dfo-mpo.gc.ca>; Wheatley, Michelle <Michelle.Wheatley@dfo-mpo.gc.ca>; Lajeunesse, Stephanie <Stephanie.Lajeunesse@dfo-mpo.gc.ca>; White, Andrea <Andrea.White@dfo-mpo.gc.ca>  
**Subject:** RE: TIME SENSITIVE -URGENT INFORMAL: OPP stats

Stephanie Lajeunesse is leading the response on behalf of CCG and DFO Science is providing content on the FN monitoring section. We will forward as soon as it is ready!

mia

M. Parker  
Senior Advisor, Delivery and Results  
Fisheries and Oceans Canada / Government of Canada  
Tel: 613-991-0123

---

**From:** Trudeau, Miriam  
**Sent:** April-12-18 2:18 PM  
**To:** Hill, Johanna; Chin, Melanie; Wheatley, Michelle; Parker, Mia  
**Cc:** Harber, Lee; Mackenzie, Joey; Malko, Carol; Butcher, Ashley; Jarjour, Jasmine; Kahn, Zoe; Marroquin, René  
**Subject:** Re: TIME SENSITIVE -URGENT INFORMAL: OPP stats

Any news on this one?

Sent from my BlackBerry 10 smartphone on the Bell network.

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**From:** Trudeau, Miriam  
**Sent:** Thursday, April 12, 2018 11:28 AM  
**To:** Hill, Johanna; Chin, Melanie; Wheatley, Michelle; Parker, Mia  
**Cc:** Harber, Lee; Mackenzie, Joey; Malko, Carol; Butcher, Ashley; Jarjour, Jasmine; Kahn, Zoe; Marroquin, René  
**Subject:** RE: TIME SENSITIVE -URGENT INFORMAL: OPP stats

BC focus ☺

**From:** Hill, Johanna  
**Sent:** Thursday, April 12, 2018 11:08 AM  
**To:** Chin, Melanie <[Melanie.Chin@dfo-mpo.gc.ca](mailto:Melanie.Chin@dfo-mpo.gc.ca)>; Trudeau, Miriam <[Miriam.Trudeau@dfo-mpo.gc.ca](mailto:Miriam.Trudeau@dfo-mpo.gc.ca)>; Wheatley, Michelle <[Michelle.Wheatley@dfo-mpo.gc.ca](mailto:Michelle.Wheatley@dfo-mpo.gc.ca)>; Parker, Mia <[Mia.Parker@dfo-mpo.gc.ca](mailto:Mia.Parker@dfo-mpo.gc.ca)>  
**Cc:** Harber, Lee <[Lee.Harber@dfo-mpo.gc.ca](mailto:Lee.Harber@dfo-mpo.gc.ca)>; Mackenzie, Joey <[Joey.Mackenzie@dfo-mpo.gc.ca](mailto:Joey.Mackenzie@dfo-mpo.gc.ca)>; Malko, Carol <[Carol.Malko@dfo-mpo.gc.ca](mailto:Carol.Malko@dfo-mpo.gc.ca)>; Butcher, Ashley <[Ashley.Butcher@dfo-mpo.gc.ca](mailto:Ashley.Butcher@dfo-mpo.gc.ca)>; Jarjour, Jasmine <[Jasmine.Jarjour@dfo-mpo.gc.ca](mailto:Jasmine.Jarjour@dfo-mpo.gc.ca)>; Kahn, Zoe <[Zoe.Kahn@dfo-mpo.gc.ca](mailto:Zoe.Kahn@dfo-mpo.gc.ca)>; Marroquin, René <[Rene.Marroquin@dfo-mpo.gc.ca](mailto:Rene.Marroquin@dfo-mpo.gc.ca)>  
**Subject:** RE: TIME SENSITIVE -URGENT INFORMAL: OPP stats

Miriam.

Can you confirm if you want National, or BC focus?

Thanks, Johanna

**From:** Chin, Melanie  
**Sent:** Thursday, April 12, 2018 10:57 AM  
**To:** Hill, Johanna <[Johanna.Hill@dfo-mpo.gc.ca](mailto:Johanna.Hill@dfo-mpo.gc.ca)>; Trudeau, Miriam <[Miriam.Trudeau@dfo-mpo.gc.ca](mailto:Miriam.Trudeau@dfo-mpo.gc.ca)>; Wheatley, Michelle <[Michelle.Wheatley@dfo-mpo.gc.ca](mailto:Michelle.Wheatley@dfo-mpo.gc.ca)>; Parker, Mia <[Mia.Parker@dfo-mpo.gc.ca](mailto:Mia.Parker@dfo-mpo.gc.ca)>  
**Cc:** Harber, Lee <[Lee.Harber@dfo-mpo.gc.ca](mailto:Lee.Harber@dfo-mpo.gc.ca)>; Mackenzie, Joey <[Joey.Mackenzie@dfo-mpo.gc.ca](mailto:Joey.Mackenzie@dfo-mpo.gc.ca)>; Malko, Carol <[Carol.Malko@dfo-mpo.gc.ca](mailto:Carol.Malko@dfo-mpo.gc.ca)>; Butcher, Ashley <[Ashley.Butcher@dfo-mpo.gc.ca](mailto:Ashley.Butcher@dfo-mpo.gc.ca)>; Jarjour, Jasmine <[Jasmine.Jarjour@dfo-mpo.gc.ca](mailto:Jasmine.Jarjour@dfo-mpo.gc.ca)>; Kahn, Zoe <[Zoe.Kahn@dfo-mpo.gc.ca](mailto:Zoe.Kahn@dfo-mpo.gc.ca)>; Marroquin, René <[Rene.Marroquin@dfo-mpo.gc.ca](mailto:Rene.Marroquin@dfo-mpo.gc.ca)>  
**Subject:** RE: TIME SENSITIVE -URGENT INFORMAL: OPP stats

I am looping Michelle W and Mia P in.

**From:** Hill, Johanna

**Sent:** Thursday, April 12, 2018 10:56 AM

**To:** Trudeau, Miriam <Miriam.Trudeau@dfo-mpo.gc.ca>; Chin, Melanie <Melanie.Chin@dfo-mpo.gc.ca>

**Cc:** Harber, Lee <Lee.Harber@dfo-mpo.gc.ca>; Mackenzie, Joey <Joey.Mackenzie@dfo-mpo.gc.ca>; Malko, Carol <Carol.Malko@dfo-mpo.gc.ca>; Butcher, Ashley <Ashley.Butcher@dfo-mpo.gc.ca>; Jarjour, Jasmine <Jasmine.Jarjour@dfo-mpo.gc.ca>; Kahn, Zoe <Zoe.Kahn@dfo-mpo.gc.ca>; Marroquin, René <Rene.Marroquin@dfo-mpo.gc.ca>

**Subject:** RE: TIME SENSITIVE -URGENT INFORMAL: OPP stats

On it!

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**Sent:** Thursday, April 12, 2018 10:55 AM

**To:** Hill, Johanna <Johanna.Hill@dfo-mpo.gc.ca>; Chin, Melanie <Melanie.Chin@dfo-mpo.gc.ca>

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- First Nations spill response

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## Butcher, Ashley

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**Subject:** RE: TIME SENSITIVE -URGENT INFORMAL: OPP stats  
**Attachments:** MINO Informal Request - OPP Stats v2.docx

Hi Miriam,

Here it is CCG/DFO product.

Cheers,

Joey

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Can you confirm if you want National, or BC focus?

Thanks, Johanna

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I am looping Michelle W and Mia P in.

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Miriam

## COAST GUARD VESSELS

- **Four new Coast Guard Search and Rescue stations** will be established in B.C.: Victoria, Nootka Sound, Hartley Bay, and Port Renfrew, which will allow for a faster response to marine emergencies. The station in Victoria is scheduled to open on June 1, 2018.
- Procurement of **4 new SAR Lifeboats** over a nine year period to support the new Coast Guard stations in B.C.
- As part of the Indigenous Community Response Training, **1 training vessel** was purchased from Parks Canada for training First Nations in SAR and ER.

## RADAR, COMMUNICATIONS

- Construction of **six new radar sites** along the B.C. coast by 2021-22 will provide better information on vessel traffic including for Indigenous and local communities. Specific sites were identified through an engagement process with First Nations and local communities.
- **Marine Communications and Traffic Services Centres (MCTS)** in Prince Rupert and Victoria will see an increase in staffing to ensure a safe marine communications network for British Columbia waters. To date, three MCTS ab initio trainees funded by OPP began their on-the-job training at their new MCTS centres (two in Prince Rupert; one in Victoria).
- Refurbishment of the Operational Network (OpNet) will replace antiquated technology and unreliable land line connections for MCTS. **Two lines were modernized and tested successfully in 2017-18 in Western Region** and activities will continue into 2018-19 to modernize all 44 remote sites in the region. Nationally, 80 lines total have been modernized, 72 of those have been cutover, and 67 old circuits have been turned down permanently.

## TUGBOATS ESCORTING TANKERS

- **Leasing of two emergency towing vessels** to assist disabled vessels along the B.C. coast and prevent them from running aground. The first vessel is projected to be in operation by Fall 2018, and the second vessel by Fall 2019. The leased vessels will also enhance search and rescue and environmental response along the coast.
- Coast Guard is acquiring and installing **rapidly deployable towing kits on its 5 large Coast Guard vessels on the B.C. coast: CCGS John P. Tully, CCGS Gordon Reid, CCGS Sir Wilfrid Laurier, CCGS Bartlett, and CCGS Tanu.** The emergency tow kits are anticipated to be delivered in summer 2018. . A total of 25 tow kits will be installed on Coast Guard vessels across Canada by 2022. Once the installation is complete, Coast Guard will conduct training and exercises to ensure their full operational capability
- A **Towing Needs Assessment** will be completed by June 30, 2018, and will inform the long-term emergency towing strategy as well as the location of the two leased Emergency Towing Vessels. Coast Guard is engaging with Provincial government, industry,

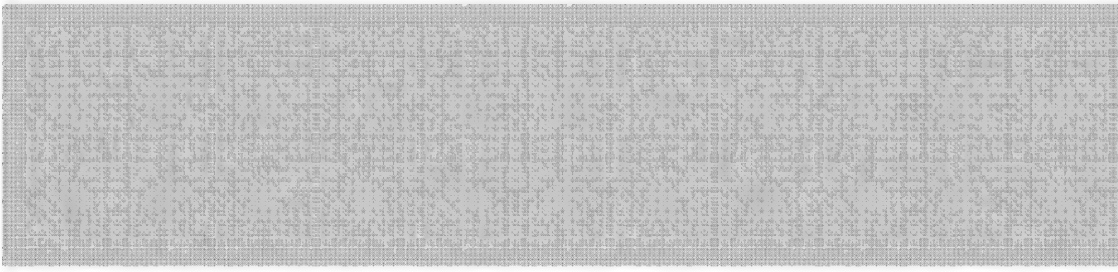


s.21(1)(b) academia, United States counterparts as well three First Nations (Haida, Gitga'at and Nuxalk).

## FIRST NATIONS SPILL RESPONSE

- **Two Indigenous Community Response Training courses in marine Search and Rescue** were held (October 2017 and February 2018) in Bamfield, B.C. some of the participants from these courses have already put their training to use and saved lives. Additional training sessions are scheduled for April and October 2018 as well as February 2019. Future sessions will include Environmental Response training. To date members from the following Nations have participated: Gitga'at, Metlakatla, Nuxalk, Gitwinksihlkw, Nisga'a, Haisla, Gitxaala, Namgis, Komoks, Kwiakah, Wei Wai Kum, Wei Wai Kai, Cowichan Tribes, Musqueam, Tsawwassen, and Heiltsuk.
- The Coast Guard is working with Indigenous Peoples in B.C. to establish **new Indigenous Coast Guard Auxiliary units**. The Council of Ahousaht Nation passed a motion to establish a working group with the Coast Guard to develop an MOU and to establish a "pilot" Indigenous Auxiliary Chapter, which would enable them to respond to scenarios such as spills.
- An **Indigenous marine emergency preparedness and response training program** has been developed including the hiring of trainers to provide formal training to coastal Indigenous Communities in British Columbia.
- The **Regional Response Plan pilot project** will contribute to a strengthened marine safety system through enhanced coordination and more effective response to marine pollution incidents. Indigenous groups, including those represented by the North Pacific Coast Nations, and the Province of B.C. are key partners in this project.
- A **new Coast Guard logistics depot will be established near Port Hardy** where personnel and equipment will be located to ensure rapid response to oil spills. This depot will be co-located with an existing Coast Guard Search and Rescue station. Indigenous peoples and the local government have expressed enthusiasm about the increased Coast Guard presence on the central coast.

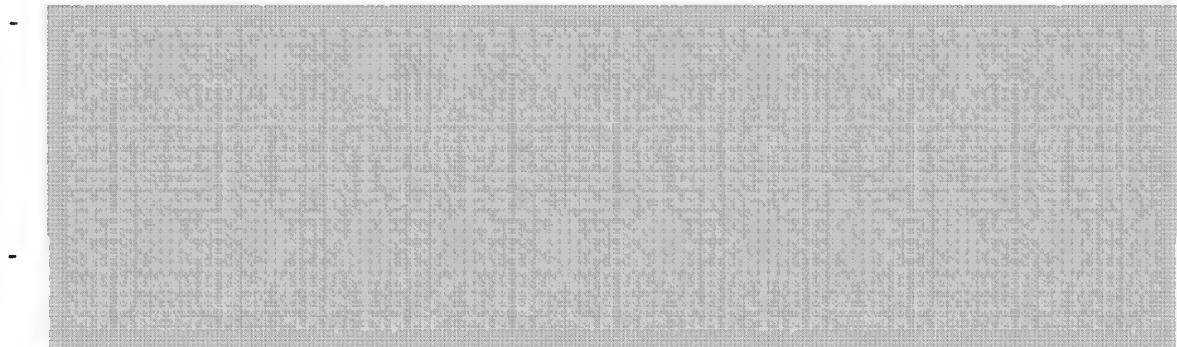
## FIRST NATIONS MONITORING

- 
- Coast Guard's **Regional Operations Centre** in B.C. expanded and is now offering 24/7 availability to provide emergency management response capacity around the clock.

- DFO Science is not undertaking any specific monitoring activities in B.C. with First Nations under OPP.
- DFO Science is currently engaging First Nations in B.C. on working together to collect coastal environmental baseline data in and around the ports of Prince Rupert and Vancouver. Results will not only provide an open source of data that can characterize ecosystems, but may also support evidence-based decision making.

#### SHIPS PILOTS DOING MORE

- A **review of the *Pilotage Act*** is being led by Mr. Marc Grégoire (Commissioner of the Canadian Coast Guard from 2010 to 2014) and supported by Transport Canada. The Review aims to modernize the *Pilotage Act* while keeping elements that support Canada's excellent pilotage safety record. This review will likely not impact Coast Guard operations. The report is scheduled to be presented to the Hon. Marc Garneau at the end of April 2018.



s.21(1)(b)

s.69(1)(g) re: (a)

## Butcher, Ashley

---

**From:** White, Andrea  
**Sent:** Thursday, April 12, 2018 4:11 PM  
**To:** Mackenzie, Joey; Trudeau, Miriam  
**Cc:** Harber, Lee; Malko, Carol; Butcher, Ashley; Jarjour, Jasmine; Kahn, Zoe; Marroquin, René; Chin, Melanie; Wheatley, Michelle; Lajeunesse, Stephanie; Hill, Johanna; Parker, Mia  
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Just in case...I'm sending this to everyone...

Andi

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*Document Released Under the Access to Information Act / Document divulgué en vertu de la Loi sur l'accès à l'information*  
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**From:** Chin, Melanie

**Sent:** Thursday, April 12, 2018 10:57 AM

**To:** Hill, Johanna <[Johanna.Hill@dfo-mpo.gc.ca](mailto:Johanna.Hill@dfo-mpo.gc.ca)>; Trudeau, Miriam <[Miriam.Trudeau@dfo-mpo.gc.ca](mailto:Miriam.Trudeau@dfo-mpo.gc.ca)>; Wheatley, Michelle <[Michelle.Wheatley@dfo-mpo.gc.ca](mailto:Michelle.Wheatley@dfo-mpo.gc.ca)>; Parker, Mia <[Mia.Parker@dfo-mpo.gc.ca](mailto:Mia.Parker@dfo-mpo.gc.ca)>

**Cc:** Harber, Lee <Lee.Harber@dfo-mpo.gc.ca>; Mackenzie, Joey <Joey.Mackenzie@dfo-mpo.gc.ca>; Malko, Carol <Carol.Malko@dfo-mpo.gc.ca>; Butcher, Ashley <Ashley.Butcher@dfo-mpo.gc.ca>; Jarjour, Jasmine <Jasmine.Jarjour@dfo-mpo.gc.ca>; Kahn, Zoe <Zoe.Kahn@dfo-mpo.gc.ca>; Marroquin, René <Rene.Marroquin@dfo-mpo.gc.ca>

**Subject:** RE: TIME SENSITIVE -URGENT INFORMAL: OPP stats

I am looping Michelle W and Mia P in.

**From:** Hill, Johanna

**Sent:** Thursday, April 12, 2018 10:56 AM

**To:** Trudeau, Miriam <Miriam.Trudeau@dfo-mpo.gc.ca>; Chin, Melanie <Melanie.Chin@dfo-mpo.gc.ca>

**Cc:** Harber, Lee <Lee.Harber@dfo-mpo.gc.ca>; Mackenzie, Joey <Joey.Mackenzie@dfo-mpo.gc.ca>; Malko, Carol <Carol.Malko@dfo-mpo.gc.ca>; Butcher, Ashley <Ashley.Butcher@dfo-mpo.gc.ca>; Jarjour, Jasmine <Jasmine.Jarjour@dfo-mpo.gc.ca>; Kahn, Zoe <Zoe.Kahn@dfo-mpo.gc.ca>; Marroquin, René <Rene.Marroquin@dfo-mpo.gc.ca>

**Subject:** RE: TIME SENSITIVE -URGENT INFORMAL: OPP stats

On it!

**From:** Trudeau, Miriam

**Sent:** Thursday, April 12, 2018 10:55 AM

**To:** Hill, Johanna <Johanna.Hill@dfo-mpo.gc.ca>; Chin, Melanie <Melanie.Chin@dfo-mpo.gc.ca>

**Cc:** Harber, Lee <Lee.Harber@dfo-mpo.gc.ca>; Mackenzie, Joey <Joey.Mackenzie@dfo-mpo.gc.ca>; Malko, Carol <Carol.Malko@dfo-mpo.gc.ca>; Butcher, Ashley <Ashley.Butcher@dfo-mpo.gc.ca>; Jarjour, Jasmine <Jasmine.Jarjour@dfo-mpo.gc.ca>; Kahn, Zoe <Zoe.Kahn@dfo-mpo.gc.ca>; Marroquin, René <Rene.Marroquin@dfo-mpo.gc.ca>

**Subject:** TIME SENSITIVE -URGENT INFORMAL: OPP stats

**Importance:** High

MINO is looking for any readily available stats on what we do for the following under OPP? MINO needs these ASAP. Nothing too elaborate/detailed needed.

- tugboats escorting tankers
- ships pilots doing more
- radar, communications
- coast guard vessels
- First Nations monitoring
- First Nations spill response

Miriam

## Longtin, Jean

---

**From:** Blewett, Catherine  
**Sent:** April-12-18 5:58 PM  
**To:** McPherson, Arran; Stringer, Kevin; Hutchinson, Jeffery  
**Cc:** White, Andrea  
**Subject:** Re: Federal contributions to the BC Spill Response process

Thanks so much

Sent from my BlackBerry 10 smartphone on the Rogers network.

Original Message

**From:** McPherson, Arran  
**Sent:** Thursday, April 12, 2018 6:29 PM  
**To:** Blewett, Catherine; Stringer, Kevin; Hutchinson, Jeffery  
**Cc:** White, Andrea  
**Subject:** Re: Federal contributions to the BC Spill Response process

Thanks - I will take another look at these materials asap and also look for a place to reference the csas report (would be ideal if the timing allowed the Web publication of our report first so the link could be embedded). Arran

Sent from my BlackBerry 10 smartphone on the Bell network.

Original Message

**From:** Blewett, Catherine  
**Sent:** Thursday, April 12, 2018 3:08 PM  
**To:** McPherson, Arran; Stringer, Kevin; Hutchinson, Jeffery  
**Subject:** Fw: Federal contributions to the BC Spill Response process

Hi Arran

Please see the below. Can I ask you to review the docs (I know CCG has been contributing, but not sure if you have been following?) to, as Michael notes, identify and suggest any changes that might be necessary?

Thanks A

Sent from my BlackBerry 10 smartphone on the Rogers network.

Original Message

**From:** Keenan, Michael <Michael.Keenan@tc.gc.ca>  
**Sent:** Thursday, April 12, 2018 3:58 PM  
**To:** Lucas, Stephen (EC); Rascenin, Natasha; Tremblay, Christyne (NRCAN/RNCAN); Blewett, Catherine; 'Christiane Fox'; Hutchinson, Jeffery; Tapley, Catrina; Tupper, Shawn; Nathalie Drouin; Daigle, Francois (AssocDM/SMD)  
**Cc:** White, Belinda (EC); Coleman, Robert (EC); Moffet, John (EC); 'O'Leary, Alison'; Little, Jennifer; Hubbard, Terence (NRCAN/RNCAN); Geller, Hilary (EC); Khosla, Jay (NRCAN/RNCAN); Wheatley, Michelle; MacDonald, Lori; 'Dickson, Samantha Maislin'; Corbin, Claude; Clark, Caroline (EC); Hanson, Lawrence; Sloan, Naina (NRCAN/RNCAN); Dick, Robert  
**Subject:** Re: Federal contributions to the BC Spill Response process

Steve,

These are all great comments and additions. Make the submission stronger.

Natasha and team are incorporating them. Based on your comments, I think it makes sense to make the science paper you forwarded an annex to the science details in the submission to BC. That gets it into the public domains nicely

I talked with Catherine, and DFO is looking at how best link their dilbit study with this submission to BC, and what changes are needed in each document to do that effectively.

Michael

Michael Keenan  
Deputy Minister - Sous-ministre  
Transport Canada - Transports Canada  
1-613-990-4507  
michael.keenan@tc.gc.ca

Original Message

From: Lucas, Stephen (EC)

Sent: Thursday, April 12, 2018 6:52 AM

To: Rascanin, Natasha; Keenan, Michael; Tremblay, Christyne (NRCAN/RNCAN); 'Catherine Blewett'; 'Christiane Fox'; 'Hutchinson, Jeffery'

Cc: White, Belinda (EC); Coleman, Robert (EC); Moffet, John (EC); 'O'Leary, Alison'; Little, Jennifer; Hubbard, Terence (NRCAN/RNCAN); Geller, Hilary (EC); Khosla, Jay (NRCAN/RNCAN); 'michelle.wheatley@dfo-mpo.gc.ca'; MacDonald, Lori; 'Dickson, Samantha Maislin'; Corbin, Claude; Clark, Caroline (EC); Hanson, Lawrence; Sloan, Naina (NRCAN/RNCAN); Dick, Robert

Subject: Re: Federal contributions to the BC Spill Response process

Hi - the package is coming along well. I offer a few comments on it in general, and on the introductory and science sections in specific.

As I understand it, we are trying to do 2 things with these documents: provide a federal response to BC Intentions paper, and provide a federal document that can help inform on the BC consultations on their Intentions paper given that it didn't mention federal regimes, measures like OPP and science. The documents are well framed towards the latter objective, but are largely silent on the BC paper. This could be bridged by adding an introductory paragraph to the Overview section of the Summary, which frames the purpose of the document(s) and refers to the BC paper, noting that it does not provide the full context given lack of reference to federal regimes, investments and expertise. We had noted these first-order concerns in our comments sent to BC DM Mark Zacharias prior to the release of their paper.

The proposed Introductory paragraph(s) then set up why we are providing the input on Government of Canada actions to prevent, plan and respond to spills. The first page of your summary document lays out the key themes well, but could be strengthened with a couple of changes:

- in first paragraph, add "including pipelines" to mention of infrastructure. Also, I could replace "resilience of NR industries" with "competitiveness"
- I think that you need to make point about jurisdiction in second paragraph. We have clear jurisdiction for interprov pipelines, rail and marine, and have strong, world-leading regimes.
- I would give a stronger mention to OPP in its own paragraph - not just the \$, but what it will deliver.
- add a paragraph on science in intro, to set up the section that follows. Essential points are that federal govt has been undertaking oil spill and response research for over 35 years; that it has stepped up work over past decade, supported by new investments including through OPP, to understand fate and behavior of oils including diluted bitumen in marine

and freshwater environments to inform planning and response; and that through extensive peer-reviewed, publicly-accessible publications and data supported by assessments of the state of knowledge it has shown that diluted bitumen behavior in ocean and freshwater falls into the range of conventional crude oil products and can be cleaned up using the same tools customized to the situation through sophisticated real-time modelling that the government has also invested in.

I would use a similar storyline for the science section on the page that follows. I'm attaching the document that we tabled with BC on February 14, as it has the overall storyline in it about the purpose, history, scope, reviews and results of federal oil spill and response research. I know that you've drawn on it, but I think as Michael noted that we can make clear the points that we've been doing this for a long time, that we have a solid base of peer reviewed, publicly accessible knowledge, and that we're deepening it at an accelerated rate through investments in OPP. The soon-to-be released DFO-led assessment of the state of dilbit science should also be referenced. I think that we should also reference the February 13 (attached) summary document which would also be good to post as it has the bibliography of recent publications.

For the deck, I think that you need a bullet on what we know from the science to date (as per above). As well, I think that more can be added on OPP, noting that it complements our strong legislative regimes for marine safety.

Great work - hope this input is helpful, Steve

From: Rascanin, Natasha

Sent: Tuesday, April 10, 2018 6:18 PM

To: Lucas, Stephen (EC); Keenan, Michael (Ext.); Tremblay, Christyne (NRCAN/RNCAN); 'Catherine Blewett'; 'Christiane Fox'; 'Hutchinson, Jeffery'

Cc: White, Belinda (EC); Coleman, Robert (EC); Moffet, John (EC); 'O'Leary, Alison'; Little, Jennifer; Hubbard, Terence (NRCAN/RNCAN); Geller, Hilary (EC); Khosla, Jay (NRCAN/RNCAN); 'michelle.wheatley@dfo-mpo.gc.ca'; MacDonald, Lori; 'Dickson, Samantha Maislin'; Corbin, Claude; Clark, Caroline (EC); Hanson, Lawrence; Sloan, Naina (NRCAN/RNCAN); Dick, Robert

Subject: RE: Federal contributions to the BC Spill Response process

Hello all,

Attached you will find the following documents:

1. overview federal document - tightened to be more direct and hard-hitting, though we may need to consider whether science section (or any of the others) needs any further adjustments given evolving context, and most recent conversations
2. set of slides setting out the federal overview, for inclusion at the front end of the very long (almost 100 slide) deck that BC uses during its consultation sessions - in the slides, we reference the federal paper, which could be available for distribution to consultation participants (next Indigenous consultation session is on Friday, April 13)
3. annexes for each of the sections that provide greater detail about each section

This is now the penultimate complete package, and once again, many thanks to all who input and worked diligently throughout.

Any comments on the first two documents in particular would be needed fairly quickly, as various members of our respective teams are either on their way to BC, or are getting ready to participate by video or phone in two sets of meetings:

1. Tomorrow federal HQ and regional teams are meeting to connect and share briefing as needed with those who will actually attend the consultation sessions; and
2. They will also finalize the strategy for discussion with BC officials (ADM and DG level across various provincial departments) scheduled on Thursday, April 12. The federal and provincial officials are meeting for almost the entire day, and will talk through the content of the papers, as well as discuss BC position and process. They will also seek agreement on inclusion of the slides (we already have that agreement notionally at DM and ADM levels).



We continue to work on finalizing the entire set of documents for ultimate final submission to the BC consultation process, as well as scenario options on how to make the federal submission public (multi-Ministerial statement, etc, to be determined). The feedback from the next few days will help finalize that documentation, as will your input.

Natasha

-----Original Message-----

From: Rascanin, Natasha

Sent: Sunday, April 08, 2018 10:43 AM

To: 'Lucas, Stephen (EC)' <stephen.lucas@canada.ca>; Keenan, Michael <Michael.Keenan@tc.gc.ca>; 'Tremblay, Christyne (NRCAN/RNCAN)' <christyne.tremblay@canada.ca>; 'Catherine Blewett' <catherine.blewett@dfo-mpo.gc.ca>; 'Christiane Fox' <Christiane.Fox@pco-bcp.gc.ca>; 'Hutchinson, Jeffery' <Jeffery.Hutchinson@dfo-mpo.gc.ca>  
Cc: 'White, Belinda (EC)' <belinda.white@canada.ca>; 'Coleman, Robert (EC)' <robert.coleman@canada.ca>; 'Moffet, John (EC)' <john.moffet@canada.ca>; 'O'Leary, Alison' <Alison.O'Leary@pco-bcp.gc.ca>; Little, Jennifer <jennifer.little@tc.gc.ca>; 'Hubbard, Terence (NRCAN/RNCAN)' <terence.hubbard@canada.ca>; Geller, Hilary (EC) <hilary.geller@canada.ca>; 'Khosla, Jay (NRCAN/RNCAN)' <jay.khosla@canada.ca>; 'michelle.wheatley@dfo-mpo.gc.ca' <michelle.wheatley@dfo-mpo.gc.ca>; MacDonald, Lori <Lori.MacDonald@tc.gc.ca>; 'Dickson, Samantha Maislin' <SamanthaMaislin.Dickson@justice.gc.ca>; Corbin, Claude <claudette.corbin@tc.gc.ca>; 'caroline.clark@canada.ca' <caroline.clark@canada.ca>; Hanson, Lawrence <Lawrence.Hanson@tc.gc.ca>; 'Sloan, Naina (NRCAN/RNCAN)' <naina.sloan@canada.ca>

Subject: RE: Federal contributions to the BC Spill Response process

Good morning,

I am attaching the longer science annex to this email, as it will need to be further aligned with how the overview story is being adjusted, as discussed below.

The other 3 annexes (marine, rail and surface, and pipelines) I will be sending to ADMs and teams for one further set of inputs, as we are not yet caught up to how the overall storyline/summary has evolved and there are some inconsistencies in structure and approach that need to be sorted.

We are still in good shape on timelines. The overview summary will need to be wrapped up by mid-week at the latest, as the next BC consultation is on Friday, which a subset of our teams will be attending. and we would want to use the overview at that point.

For the full formal submission (and strategy how we implement; what is put out publicly etc), we are working up a scenario note. It is for the formal submission that we would need the full package to be completely final; we are targeting mid-week this week for full package going back to DMs.

If needed, we can set up an ADM call tomorrow to discuss further, but it may not be necessary; we are trying to put outstanding elements in a message to all that will go shortly.

Thank you,  
Natasha

-----Original Message-----

From: Rascanin, Natasha

Sent: Friday, April 06, 2018 5:25 PM

To: 'Lucas, Stephen (EC)' <stephen.lucas@canada.ca>; Keenan, Michael <Michael.Keenan@tc.gc.ca>; Tremblay, Christyne (NRCAN/RNCAN) <christyne.tremblay@canada.ca>; Catherine Blewett <catherine.blewett@dfo-mpo.gc.ca>; Christiane Fox <Christiane.Fox@pco-bcp.gc.ca>; 'Hutchinson, Jeffery' <Jeffery.Hutchinson@dfo-mpo.gc.ca>  
Cc: White, Belinda (EC) <belinda.white@canada.ca>; Coleman, Robert (EC) <robert.coleman@canada.ca>; Enei, George (EC) <george.enei@canada.ca>; Geller, Hilary (EC) <hilary.geller@canada.ca>; Moffet, John (EC) <john.moffet@canada.ca>; 'O'Leary, Alison' <Alison.O'Leary@pco-bcp.gc.ca>; Little, Jennifer <jennifer.little@tc.gc.ca>; Hubbard, Terence (NRCAN/RNCAN) <terence.hubbard@canada.ca>; 'Khosla, Jay (NRCAN/RNCAN)' <jay.khosla@canada.ca>; 'michelle.wheatley@dfo-mpo.gc.ca' <michelle.wheatley@dfo-mpo.gc.ca>; 'Dickson, Samantha Maislin' <SamanthaMaislin.Dickson@justice.gc.ca>; Corbin, Claude <claud.corbin@tc.gc.ca>; 'caroline.clark@canada.ca' <caroline.clark@canada.ca>  
Subject: RE: Federal contributions to the BC Spill Response process

Good afternoon all:

Attached you will find the latest iteration of the overview federal document for review, which incorporates most comments received to date. NRCAN has provided input as per item 1 below, and it is incorporated. The Science section (#2) is outstanding.

We have received all the input to the very long set of technical annexes for each of the federal regimes, however, we have not had time to review fully. I am loath to send those tonight; my team and I will do one consistency scrub and send out over the weekend.

Further, we have developed federal context overview slides for inclusion in the BC consultations deck; the slides are with departments right now for vetting and comment. We are suggesting 6 slides outlining the federal regime (and referring to the overview paper) at the front end of the 92 (now 98) slide BC package. The federal slides will also come to you for comment, following integration of departmental input.

Thank you very much to all the teams for lots of work on this material.

Natasha

-----Original Message-----

From: Lucas, Stephen (EC) [mailto:stephen.lucas@canada.ca]  
Sent: Friday, April 06, 2018 4:37 PM  
To: Keenan, Michael <Michael.Keenan@tc.gc.ca>; Tremblay, Christyne (NRCAN/RNCAN) <christyne.tremblay@canada.ca>; Catherine Blewett <catherine.blewett@dfo-mpo.gc.ca>; Christiane Fox <Christiane.Fox@pco-bcp.gc.ca>  
Cc: White, Belinda (EC) <belinda.white@canada.ca>; Coleman, Robert (EC) <robert.coleman@canada.ca>; Rascanin, Natasha <Natasha.Rascanin@tc.gc.ca>; Enei, George (EC) <george.enei@canada.ca>; Geller, Hilary (EC) <hilary.geller@canada.ca>  
Subject: Re: Federal contributions to the BC Spill Response process

Ok, thanks. It would be great to get the updated version this pm, and we will work to provide that input for Monday along with any other comments (I will go through it this weekend).

Steve

Stephen Lucas, Ph.D.  
Original Message  
From: Keenan, Michael (Ext.)

Sent: Friday, April 6, 2018 3:31 PM

To: Tremblay, Christyne (NRCAN/RNCAN); Lucas, Stephen (EC); Catherine Blewett; Christiane Fox

Cc: White, Belinda (EC); Coleman, Robert (EC); Rascanin, Natasha

Subject: Federal contributions to the BC Spill Response process

A draft federal submission to the as been circulating. It is coming along. It now has a summary, as well as extensive details on the federal system. A new version is coming out shortly from Natasha.

I, as well as others, have provided comments on the summary. My comments have focused on being clearer on the big achievements and strong points of the federal system -- highlighting those features that make it world leading with with a view to making it sharper. Natasha and the team here is revising it.

Steve, Christyne, there are two sections where they will need your folks to make the changes.

1) on pipelines, I asked Natasha to go back to NRCAN folks to adjust the story to really sell the key. Features that make it world leading - I feel the pipeline summary undersells on this point.

2) on science on heavy oil, the points are ok, but to my mind they are not nearly as good as the story your outlined to Mark in that meeting at the Vancouver airport a while ago. You had more compelling points, and had quantified the number of peer reviewed studies etc. It would be great to capture the magic of that in the summary. Natasha is asking you folks to replicate that.

Cheers

Michael

Michael Keenan  
Deputy Minister - Sous-ministre  
Transport Canada - Transports Canada  
1-613-990-4507  
michael.keenan@tc.gc.ca

**Johal, Sharan**

---

**From:** Anderson, Kevin  
**Sent:** April-17-18 12:03 PM  
**To:** Reid, Rebecca  
**Subject:** FW: : URGENT: [REDACTED]  
**Attachments:** [REDACTED]

FYI- We can discuss, if required.

**From:** Trudeau, Miriam  
**Sent:** April-17-18 1:48 PM  
**To:** Roote, Bradley  
**Cc:** Anderson, Kevin; Kahn, Zoe; Jarjour, Jasmine; Malko, Carol; Quinn, Caroline; Butcher, Ashley  
**Subject:** : URGENT: [REDACTED]

s.20(1)(d)

s.21(1)(b)

Hi Bradley as discussed,

[REDACTED]

[REDACTED] We need an answer back  
before 3:00 pm today please.

Thanks,  
Lindsey

**Pages 176 to / à 177  
are withheld pursuant to sections  
sont retenues en vertu des articles**

**20(1)(d), 21(1)(b)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

## Schwark, Valerie

---

**From:** Reid, Rebecca  
**Sent:** April-17-18 1:00 PM  
**To:** Smith, Ken  
**Cc:** Antcliffe, Bonnie; Hayes, Trish; Atwal, Randy  
**Subject:** RE: April 17/18 OPPOC Update

Thanks Ken, very helpful update (and so brief!!).

Much appreciated.

RR

Rebecca Reid  
Regional Director General/ Directrice générale régionale  
Fisheries and Oceans Canada - Pacific Region/ Pêches et Océans Canada - Région du Pacifique  
200-401 Burrard Street / 401, rue Burrard, bureau 200  
Vancouver, BC/CB V6C 3S4  
Office / Téléphone: 604-666-6098  
Cell / Cellulaire: [REDACTED]  
E-mail/ Courriel: [rebecca.reid@dfo-mpo.gc.ca](mailto:rebecca.reid@dfo-mpo.gc.ca) s.16(2)

**From:** Smith, Ken  
**Sent:** Tuesday, April 17, 2018 12:00 PM  
**To:** Reid, Rebecca <[Rebecca.Reid@dfo-mpo.gc.ca](mailto:Rebecca.Reid@dfo-mpo.gc.ca)>  
**Cc:** Antcliffe, Bonnie <[Bonnie.Antcliffe@dfo-mpo.gc.ca](mailto:Bonnie.Antcliffe@dfo-mpo.gc.ca)>; Hayes, Trish <[Trish.Hayes@dfo-mpo.gc.ca](mailto:Trish.Hayes@dfo-mpo.gc.ca)>; Atwal, Randy <[Randy.Atwal@dfo-mpo.gc.ca](mailto:Randy.Atwal@dfo-mpo.gc.ca)>  
**Subject:** April 17/18 OPPOC Update

Hi Rebecca,

A quick summary of today's meeting and a few key highlights for your awareness....

Key Highlights (but nothing major):

- Dept. did very well on OPP finances – see below for more.
- Roger flagged Province of BC consultations and various sensitivities and challenges including upcoming session in Vancouver (April 20<sup>th</sup> I think).
- Michelle confirmed that OPPOC will be moving to monthly schedule (starting now).
- I provided an update on May 8-9th South Coast Indigenous workshop in Nanaimo that is being co-developed with FN's.
- Upcoming Inter-dept. workshop (May 16<sup>th</sup>) will focus on engagement, communications, governance, reporting – various work underway within dept and inter-departmentally on these topics and I and possibly others will participate either in person or via video conference.
- Michelle will be co-ordinating national request for \$ through 2% results exercise for national and regional secretariats – I will be feeding into this (Randy confirmed that \$ he thought was in our opening budgets for our secretariat was actually for Policy).

1. Opening (Michelle Wheatley):

- Sounds like announcement on future of DRU (e.g. reporting etc.) imminent (from Kevin Stringer) – OPPOC moving to monthly
- [REDACTED] s.21(1)(b)
- TB reporting on results (and delivery annexes) coming. s.69(1)(g) re: (a)
- Workshop tomorrow on how reports are to be presented in future – Region not aware despite raising issue on multiple occasions but will raise on national OPP co-ord. call tomorrow.

2. IM/IT (Hachem Ben Essalah) – DECK provided as this was only substantive discussion item.

- There are no \$ for phase 2 network bandwidth and connectivity (i.e. improvements at additional sites)– sounds like they may request \$ from 2% results fund exercise or pursue other options with CFO (Carl B. from CFO indicated that timetable for decisions on results fund is June but that primary focus is not on enablers). CFO raised concerns about long-term funding implications.
- [REDACTED] They plan to finalize review (priorities, reduce duplication etc.) with OPI's and confirm additional resources that may be available through OPP [REDACTED] Input included need to not focus on OPP as a silo given many OPP initiatives / data management support ongoing core business areas – need to integrate.
- Other topics include Shared Service Canada [REDACTED] – input included need to identify and report on metrics to assess SSC performance.
- High Performance Computing (HPC): still many issues impacting OPP delivery, particularly science. Apparently steering committee is in place on this and options [REDACTED] being explored.
- My input: highlighted need to circle back later in spring after there is additional certainty on HPC, funding decisions, IM/IT intake process etc. to understand implications on OPP project delivery. This was accepted (but no timeframe established).

3. Financial Update (Carl Boisvert):

- attachment prepared yesterday (April 16/18) – a final analysis will be done when books totally close in day or two.
- Bottom line is that dept hit the mark - Free balance of \$5.4M offset by \$5.3M of planned risk managed items which resulted in only \$100k off on a \$121.8M budget (very good)
- The budgets go up significantly in 18/19 so continuing strong financial management will be required in 18/19.

4. Update on Departmental Workshop Outcomes (Michelle Wheatley):

- Michelle provided brief update on the status of departmental and inter-dept plans to review governance, reporting, communications and engagement.
- We will be feeding into all of these and will participate in planned inter-dept session on May 16<sup>th</sup>. All need work but engagement is likely most challenging given complexity and evolving nature of FN issues and various co-ordination issues.

Happy to answer questions

Regards,

Ken Smith  
Director, Oceans Protection Plan Secretariat  
Fisheries and Oceans Canada – Pacific Region  
(604) 666-0346



## Blewett, Catherine

**From:** Keenan, Michael <Michael.Keenan@tc.gc.ca>  
**Sent:** April-17-18 8:00 PM  
**To:** Fox, Christiane; O'Leary, Alison; Hélène Laurendeau; Wild, Joe (AADNC/AANDC); Tremblay, Christyne (NRCAN/RNCAN); Lucas, Stephen (EC); Blewett, Catherine; Tapley, Catrina; Yaskiel, Ava (FIN)  
**Cc:** Rascanin, Natasha; Dick, Robert  
**Subject:** Fw: Urgent - [REDACTED]  
**Attachments:** [REDACTED]

**Follow Up Flag:** Follow up s.20(1)(d)  
**Flag Status:** Completed s.21(1)(a)  
s.21(1)(b)

### Colleagues

[REDACTED]

Has anybody else seen this [REDACTED]

Michael Keenan  
Deputy Minister - Sous-ministre  
Transport Canada -Transports Canada  
1-613-990-4507  
[michael.keenan@tc.gc.ca](mailto:michael.keenan@tc.gc.ca)  
**From:** Little, Jennifer <[jennifer.little@tc.gc.ca](mailto:jennifer.little@tc.gc.ca)>  
**Sent:** Tuesday, April 17, 2018 7:10 PM  
**To:** Keenan, Michael; Pham, Thao  
**Subject:** Urgent - [REDACTED]

### Deputies -

[REDACTED]

Jennifer

**Pages 182 to / à 183  
are withheld pursuant to sections  
sont retenues en vertu des articles**

**21(1)(b), 20(1)(d), 21(1)(a)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

## Malko, Carol

---

**From:** Parker, Mia  
**Sent:** Tuesday, April 17, 2018 1:20 PM  
**To:** Kahn, Zoe  
**Cc:** Malko, Carol; Trudeau, Miriam  
**Subject:** FW: Status of Preparation for BC Indigenous Engagement on Spill Response  
**Attachments:** RDIMS-#13947139-v8-BC\_POLICY\_INTENTIONS\_PAPER\_-\_CHAPTER\_3\_-\_RAILWAYS\_AND....doc; RDIMS-#13936449-v10-BC\_POLICY\_INTENTIONS\_PAPER\_-\_CHAPTER\_1\_-\_OIL\_SPILL\_R....doc; RDIMS-#13937417-v5-BC\_POLICY\_INTENTIONS\_PAPER\_-\_CHAPTER\_4\_-\_PIPELINE\_REG....doc; RDIMS-#13937278-v15-BC\_POLICY\_INTENTIONS\_PAPER\_-\_CHAPTER\_2\_-\_MARINE\_REGI....doc; RDIMS-#13926633-v24-BC\_POLICY\_INTENTIONS\_PAPER\_-\_SUMMARY\_-\_GOVERNMENT\_OF\_CANADA\_ACTIVITIES\_RELATED\_TO\_SPILL\_MANAGEMENT.DOC

The attached are the versions provide to MINOs on Monday. TC indicates that they were provided via DMO (see below). Arran's revisions have largely been incorporated in this iteration.

Mia

M. Parker  
Senior Advisor, Delivery and Results  
Fisheries and Oceans Canada / Government of Canada  
Tel: 613-991-0123

---

**From:** Sauvé, Désirée [mailto:desiree.sauve@tc.gc.ca]  
**Sent:** April-17-18 12:57 PM  
**To:** Wheatley, Michelle; Corbin, Claude  
**Cc:** Parker, Mia  
**Subject:** RE: Status of Preparation for BC Indigenous Engagement on Spill Response

Yes his input was incorporated where possible.

This was all last Friday through DMOs and PCO (maybe PMO) in preparation for the meeting on Sunday and in anticipation of a Four Corners today (which I don't know if it is happening or not). Sorry I am being vague but that's all I know.

*Désirée*

s.16(2)

Tel : 613-998-9928  
Cell : [REDACTED]

**From:** Wheatley, Michelle [mailto:Michelle.Wheatley@dfo-mpo.gc.ca]  
**Sent:** Tuesday, April 17, 2018 12:47 PM  
**To:** Sauvé, Désirée <desiree.sauve@tc.gc.ca>; Corbin, Claude <claud.corbin@tc.gc.ca>  
**Cc:** Parker, Mia <Mia.Parker@dfo-mpo.gc.ca>  
**Subject:** RE: Status of Preparation for BC Indigenous Engagement on Spill Response

Désirée

Document Released Under the Access to Information Act / Document divulgué en vertu de la Loi sur l'accès à l'information

We normally only provide materials to our MINO through the DMO, so am interested to know what route was followed? Can you confirm that Arran McPherson's input was incorporated and provide us with a copy of those final versions?

Michelle

***Dr. Michelle Wheatley***

Director General, Delivery and Results  
Fisheries and Oceans Canada / Government of Canada  
[Michelle.Wheatley@dfo-mpo.gc.ca](mailto:Michelle.Wheatley@dfo-mpo.gc.ca) / Tel: 613-990-9977

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**From:** Sauvé, Désirée [<mailto:desiree.sauve@tc.gc.ca>]  
**Sent:** April 17, 2018 12:33 PM  
**To:** Wheatley, Michelle <[Michelle.Wheatley@dfo-mpo.gc.ca](mailto:Michelle.Wheatley@dfo-mpo.gc.ca)>; Corbin, Claude <[claudio.corbin@tc.gc.ca](mailto:claudio.corbin@tc.gc.ca)>  
**Cc:** Parker, Mia <[Mia.Parker@dfo-mpo.gc.ca](mailto:Mia.Parker@dfo-mpo.gc.ca)>  
**Subject:** RE: Status of Preparation for BC Indigenous Engagement on Spill Response

Hi Michelle,

Document are pretty much complete now. All input received to date has been inputted and the documents have gone to translation. We are trying to get the translated version back by the end of the week. The caveat is that the package was provided to MINOs on Monday and we haven't seen any comments from MOs so documents could still change.

***Désirée***

Tel : 613-998-9928  
Cell : [REDACTED]

s.16(2)

**From:** Wheatley, Michelle [<mailto:Michelle.Wheatley@dfo-mpo.gc.ca>]  
**Sent:** Tuesday, April 17, 2018 12:22 PM  
**To:** Corbin, Claude <[claudio.corbin@tc.gc.ca](mailto:claudio.corbin@tc.gc.ca)>  
**Cc:** Parker, Mia <[Mia.Parker@dfo-mpo.gc.ca](mailto:Mia.Parker@dfo-mpo.gc.ca)>; Sauvé, Désirée <[desiree.sauve@tc.gc.ca](mailto:desiree.sauve@tc.gc.ca)>  
**Subject:** RE: Status of Preparation for BC Indigenous Engagement on Spill Response

Claude

Do you know the time line for the completion of these documents? Natasha had indicated to Arran McPherson that her comments sent Friday afternoon would be incorporated into the "final" version, but they are not in the version Natasha sent late Friday. Our DMO is asking for the time line.

Thanks  
Michelle

***Dr. Michelle Wheatley***

Director General, Delivery and Results  
Fisheries and Oceans Canada / Government of Canada  
[Michelle.Wheatley@dfo-mpo.gc.ca](mailto:Michelle.Wheatley@dfo-mpo.gc.ca) / Tel: 613-990-9977

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**From:** Rascanin, Natasha [<mailto:Natasha.Rascanin@tc.gc.ca>]

**Sent:** April 13, 2018 6:10 PM

**To:** Keenan, Michael <[Michael.Keenan@tc.gc.ca](mailto:Michael.Keenan@tc.gc.ca)>; 'Tremblay, Christyne (NRCAN/RNCAN)' <[christyne.tremblay@canada.ca](mailto:christyne.tremblay@canada.ca)>; 'Christiane Fox' <[Christiane.Fox@pco-bcp.gc.ca](mailto:Christiane.Fox@pco-bcp.gc.ca)>; 'Drouin, Nathalie G. (DM/SM)' <[Nathalie.G.Drouin@justice.gc.ca](mailto:Nathalie.G.Drouin@justice.gc.ca)>; 'Francois.Daigle@justice.gc.ca' <[Francois.Daigle@justice.gc.ca](mailto:Francois.Daigle@justice.gc.ca)>; 'Tapley, Catrina' <[Catrina.Tapley@pco-bcp.gc.ca](mailto:Catrina.Tapley@pco-bcp.gc.ca)>; 'Lucas, Stephen (EC)' <[stephen.lucas@canada.ca](mailto:stephen.lucas@canada.ca)>; 'Blewett, Catherine' <[Catherine.Blewett@dfo-mpo.gc.ca](mailto:Catherine.Blewett@dfo-mpo.gc.ca)>; 'Hutchinson, Jeffery' <[Jeffery.Hutchinson@dfo-mpo.gc.ca](mailto:Jeffery.Hutchinson@dfo-mpo.gc.ca)>; 'Maheu, Chantal' <[Chantal.Maheu@pco-bcp.gc.ca](mailto:Chantal.Maheu@pco-bcp.gc.ca)>; 'Pham, Thao' <[thao.pham@tc.gc.ca](mailto:thao.pham@tc.gc.ca)>  
**Cc:** Hargrove, Glenn: PCO <[Glenn.Hargrove@pco-bcp.gc.ca](mailto:Glenn.Hargrove@pco-bcp.gc.ca)>; 'Clark, Caroline (EC)' <[caroline.clark@canada.ca](mailto:caroline.clark@canada.ca)>; 'Dickson, Samantha Maislin' <[SamanthaMaislin.Dickson@justice.gc.ca](mailto:SamanthaMaislin.Dickson@justice.gc.ca)>; 'Khosla, Jay (NRCAN/RNCAN)' <[jay.khosla@canada.ca](mailto:jay.khosla@canada.ca)>; 'Hubbard, Terence (NRCAN/RNCAN)' <[terence.hubbard@canada.ca](mailto:terence.hubbard@canada.ca)>; 'Wheatley, Michelle' <[Michelle.Wheatley@dfo-mpo.gc.ca](mailto:Michelle.Wheatley@dfo-mpo.gc.ca)>; 'O'Leary, Alison' <[Alison.O'Leary@pco-bcp.gc.ca](mailto:Alison.O'Leary@pco-bcp.gc.ca)>; 'Moffet, John (EC)' <[john.moffet@canada.ca](mailto:john.moffet@canada.ca)>; 'Corbin, Claude' <[claudette.corbin@tc.gc.ca](mailto:claudette.corbin@tc.gc.ca)>; 'Sloan, Naina (NRCAN/RNCAN)' <[naina.sloan@canada.ca](mailto:naina.sloan@canada.ca)>; 'Dick, Robert' <[Robert.Dick@tc.gc.ca](mailto:Robert.Dick@tc.gc.ca)>; 'MacDonald, Lori' <[Lori.MacDonald@tc.gc.ca](mailto:Lori.MacDonald@tc.gc.ca)>; 'Hanson, Lawrence' <[Lawrence.Hanson@tc.gc.ca](mailto:Lawrence.Hanson@tc.gc.ca)>  
**Subject:** RE: Status of Preparation for BC Indigenous Engagement on Spill Response

Documents for further distribution attached, as discussed at 3pm call:

1. Summary document has been adjusted with IGA proposed language in purpose section
2. 4 detailed chapters, and the long annex to chapter 1 on science
3. Slides have been removed from package

**From:** Rascanin, Natasha

**Sent:** Friday, April 13, 2018 12:36 PM

**To:** Keenan, Michael <[Michael.Keenan@tc.gc.ca](mailto:Michael.Keenan@tc.gc.ca)>; 'Tremblay, Christyne (NRCAN/RNCAN)' <[christyne.tremblay@canada.ca](mailto:christyne.tremblay@canada.ca)>; 'Christiane Fox' <[Christiane.Fox@pco-bcp.gc.ca](mailto:Christiane.Fox@pco-bcp.gc.ca)>; 'Drouin, Nathalie G. (DM/SM)' <[Nathalie.G.Drouin@justice.gc.ca](mailto:Nathalie.G.Drouin@justice.gc.ca)>; 'Francois.Daigle@justice.gc.ca' <[Francois.Daigle@justice.gc.ca](mailto:Francois.Daigle@justice.gc.ca)>; 'Tapley, Catrina' <[Catrina.Tapley@pco-bcp.gc.ca](mailto:Catrina.Tapley@pco-bcp.gc.ca)>; 'Lucas, Stephen (EC)' <[stephen.lucas@canada.ca](mailto:stephen.lucas@canada.ca)>; 'Catherine Blewett' <[catherine.blewett@dfo-mpo.gc.ca](mailto:catherine.blewett@dfo-mpo.gc.ca)>; 'Hutchinson, Jeffery' <[Jeffery.Hutchinson@dfo-mpo.gc.ca](mailto:Jeffery.Hutchinson@dfo-mpo.gc.ca)>; 'Maheu, Chantal' <[Chantal.Maheu@pco-bcp.gc.ca](mailto:Chantal.Maheu@pco-bcp.gc.ca)>; 'Pham, Thao' <[thao.pham@tc.gc.ca](mailto:thao.pham@tc.gc.ca)>  
**Cc:** Hargrove, Glenn: PCO <[Glenn.Hargrove@pco-bcp.gc.ca](mailto:Glenn.Hargrove@pco-bcp.gc.ca)>; 'Clark, Caroline (EC)' <[caroline.clark@canada.ca](mailto:caroline.clark@canada.ca)>; 'Dickson, Samantha Maislin' <[SamanthaMaislin.Dickson@justice.gc.ca](mailto:SamanthaMaislin.Dickson@justice.gc.ca)>; 'Khosla, Jay (NRCAN/RNCAN)' <[jay.khosla@canada.ca](mailto:jay.khosla@canada.ca)>; 'Hubbard, Terence (NRCAN/RNCAN)' <[terence.hubbard@canada.ca](mailto:terence.hubbard@canada.ca)>; 'michelle.wheatley@dfo-mpo.gc.ca' <[michelle.wheatley@dfo-mpo.gc.ca](mailto:michelle.wheatley@dfo-mpo.gc.ca)>; 'O'Leary, Alison' <[Alison.O'Leary@pco-bcp.gc.ca](mailto:Alison.O'Leary@pco-bcp.gc.ca)>; 'Moffet, John (EC)' <[john.moffet@canada.ca](mailto:john.moffet@canada.ca)>; 'Corbin, Claude' <[claudette.corbin@tc.gc.ca](mailto:claudette.corbin@tc.gc.ca)>; 'Sloan, Naina (NRCAN/RNCAN)' <[naina.sloan@canada.ca](mailto:naina.sloan@canada.ca)>; 'Dick, Robert' <[Robert.Dick@tc.gc.ca](mailto:Robert.Dick@tc.gc.ca)>; 'MacDonald, Lori' <[Lori.MacDonald@tc.gc.ca](mailto:Lori.MacDonald@tc.gc.ca)>; 'Hanson, Lawrence' <[Lawrence.Hanson@tc.gc.ca](mailto:Lawrence.Hanson@tc.gc.ca)>  
**Subject:** RE: Status of Preparation for BC Indigenous Engagement on Spill Response

Hello,

Attached you will find the latest iteration of key documents, as promised. Comments since the message below have been incorporated and the docs are to be part of discussion on the DM call at 3pm, in particular tone and overall messaging.

Included is the overview document, and the 4 detailed chapters. The chapter on science now references the doc (will be annexed) that has the extensive bibliography of all the work undertaken, but I have not re-attached that document.

Also included are the proposed federal context slides that would be used in consultations, as part of context setting within the BC material.

Natasha

**From:** Rascanin, Natasha

**Sent:** Wednesday, April 11, 2018 10:24 PM

**To:** Keenan, Michael <[Michael.Keenan@tc.gc.ca](mailto:Michael.Keenan@tc.gc.ca)>; 'Tremblay, Christyne (NRCAN/RNCAN)' <[christyne.tremblay@canada.ca](mailto:christyne.tremblay@canada.ca)>; 'Christiane Fox' <[Christiane.Fox@pco-bcp.gc.ca](mailto:Christiane.Fox@pco-bcp.gc.ca)>; 'Drouin, Nathalie G. (DM/SM)' <[Nathalie.G.Drouin@justice.gc.ca](mailto:Nathalie.G.Drouin@justice.gc.ca)>; 'Francois.Daigle@justice.gc.ca' <[Francois.Daigle@justice.gc.ca](mailto:Francois.Daigle@justice.gc.ca)>; Tapley, Catrina <[Catrina.Tapley@pco-bcp.gc.ca](mailto:Catrina.Tapley@pco-bcp.gc.ca)>; 'Lucas, Stephen (EC)' <[stephen.lucas@canada.ca](mailto:stephen.lucas@canada.ca)>; 'Catherine Blewett' <[catherine.blewett@dfo-mpo.gc.ca](mailto:catherine.blewett@dfo-mpo.gc.ca)>; 'Hutchinson, Jeffery' <[Jeffery.Hutchinson@dfo-mpo.gc.ca](mailto:Jeffery.Hutchinson@dfo-mpo.gc.ca)>; 'Maheu, Chantal' <[Chantal.Maheu@pco-bcp.gc.ca](mailto:Chantal.Maheu@pco-bcp.gc.ca)>

**Cc:** Hargrove, Glenn: PCO <[Glenn.Hargrove@pco-bcp.gc.ca](mailto:Glenn.Hargrove@pco-bcp.gc.ca)>; 'Clark, Caroline (EC)' <[caroline.clark@canada.ca](mailto:caroline.clark@canada.ca)>; Dickson, Samantha Maislin <[SamanthaMaislin.Dickson@justice.gc.ca](mailto:SamanthaMaislin.Dickson@justice.gc.ca)>; 'Khosla, Jay (NRCAN/RNCAN)' <[jay.khosla@canada.ca](mailto:jay.khosla@canada.ca)>; 'Hubbard, Terence (NRCAN/RNCAN)' <[terence.hubbard@canada.ca](mailto:terence.hubbard@canada.ca)>; 'michelle.wheatley@dfo-mpo.gc.ca' <[michelle.wheatley@dfo-mpo.gc.ca](mailto:michelle.wheatley@dfo-mpo.gc.ca)>; 'O'Leary, Alison' <[Alison.O'Leary@pco-bcp.gc.ca](mailto:Alison.O'Leary@pco-bcp.gc.ca)>; 'Moffet, John (EC)' <[john.moffet@canada.ca](mailto:john.moffet@canada.ca)>; Corbin, Claude <[claudette.corbin@tc.gc.ca](mailto:claudette.corbin@tc.gc.ca)>; 'Sloan, Naina (NRCAN/RNCAN)' <[naina.sloan@canada.ca](mailto:naina.sloan@canada.ca)>; Dick, Robert <[Robert.Dick@tc.gc.ca](mailto:Robert.Dick@tc.gc.ca)>; MacDonald, Lori <[Lori.MacDonald@tc.gc.ca](mailto:Lori.MacDonald@tc.gc.ca)>; Hanson, Lawrence <[Lawrence.Hanson@tc.gc.ca](mailto:Lawrence.Hanson@tc.gc.ca)>

**Subject:** Status of Preparation for BC Indigenous Engagement on Spill Response

**Importance:** High

Hello folks:

You have now all received the latest set of draft documents (summary, annexes and slides) aimed for use at BC consultations on spill response, and as formal federal submission into the provincial process. April 30th is the deadline listed on the BC website for the public to provide input so that it could be included in a consultation summary report to be released at an unspecified later date in 2018. BC has also scheduled a series of Indigenous consultation sessions well into May (May 30 is the last one), and below is a summary note on these from Naina Sloan (NRCAN), who is coordinating the federal participation at all the Indigenous sessions. Federal officials are in Vancouver right now, and will be meeting with BC officials tomorrow all day, to brief, and share information about regimes.

As conversations evolve over the next days, we will need to work to finalize the documents and look forward to any further comments from you by end of day tomorrow; we will send out an updated draft for Friday. I will note that today we received some comments from DOJ and CCG on the latest version, thank you for the input.

As you can see below, there is an Indigenous consultation in Nanaimo this Friday, and then one in Terrace on April 17. Our collective advice is that we can manage those without paper, and with federal presence – verbal outlines of federal regimes and answering questions – but would ideally need to have final documents for the Vancouver session on April 20 at the latest. The Bella Bella session at the end of May will also be of great interest.

Finally, Comms teams are developing a possible Ministerial NR that could be used when the federal paper is issued.

Natasha

**From:** Sloan, Naina (NRCAN/RNCAN) [<mailto:naina.sloan@canada.ca>]

**Sent:** Wednesday, April 11, 2018 9:13 PM

**To:** Rascanin, Natasha <[Natasha.Rascanin@tc.gc.ca](mailto:Natasha.Rascanin@tc.gc.ca)>

**Cc:** Dick, Robert <[Robert.Dick@tc.gc.ca](mailto:Robert.Dick@tc.gc.ca)>; Corbin, Claude <[claudio.corbin@tc.gc.ca](mailto:claudio.corbin@tc.gc.ca)>

**Subject:** REVISED - Status of Preparation for BC Indigenous Engagement on Spill Response

**Importance:** High

Natasha, per your request via Claude, please see below a brief overview of the agreed-to approach to regional engagement sessions with BC on its Phase Two Policy Intentions Paper. Let us know if you need more.

**Overview:**

- Indigenous engagement sessions are being coordinated by the First Nations Fisheries Council, and include:
  - Nanaimo, April 13
  - Terrace, April 17
  - Vancouver, April 20
  - Prince George, April 23
  - Fort St. John, May 23
  - Bella Bella, May 30
- Roughly 15 Indigenous participants are expected at the Nanaimo session.

**Objectives for federal participation:**

- Participate in a way that is respectful of BC's process
- Communicate key aspects of federal regime where relevant and through participants (no hand-outs at this time)
- Anticipate and be in a position to respond to questions about the federal regime, correcting the record in a positive way where there is a need to do so

**Approach:**

- Federal participant list is being tailored on a location-by-location basis, with an emphasis on having relevant subject matter experts present based on understanding of interests/issues (example: marine experts at coastal sessions, rail experts on Terrace and Prince George). At this time, the following federal participants have been identified for the Nanaimo session:
  - Lindsay Funk, Manager Strategic Services, CCG
  - Tim McCann, Regional Emergency Response, CCG
  - Tanya Bryant, Acting Director Environmental Emergencies Division, ECCC
  - Heather Dettman, Senior Research Scientist, NRCan (oil spill science representative)
  - Daniel Reid, Manager Environmental Response Program, TC
  - Anna Classen, Director IPO-West, NRCan (notetaker/collective follow-up)
- BC is expected to be represented by David Morel, ADM Environmental Protection Division, Ministry of Environment and Climate Change Strategy, and staff from his Ministry and BC OGC.
- A final decision on federal representation will be made following the April 12<sup>th</sup> meeting between BC and federal officials.
- A summary of the discussion and any suggested follow-up will be distributed to all implicated departments immediately following the session on the 13<sup>th</sup>, along with recommendations re: approach and participation at future sessions.
- Ongoing teleconferences will be convened as needed to coordinate (especially in advance of the Bella Bella session) and develop common tools (FAQ) as sessions unfold and key messages are further refined/approved.

Thanks,  
Naina

**Naina Sloan**

**Senior Executive Director | Directrice executive principale**

**Indigenous Partnerships Office – West | Bureau des partenariats avec les Autochtones – Ouest**

**Natural Resources Canada | Ressources naturelles Canada**

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### **CHAPTER 3 – RAILWAYS AND SURFACE TRANSPORTATION REGIME RELATED TO SPILL MANAGEMENT**

The Government of Canada is responsible for the safety oversight of railways under federal jurisdiction, such as railways that cross provincial or international boundaries, and for developing a robust regulatory framework to ensure rail safety. Transport Canada actively promotes a strong rail safety culture within federally regulated companies by monitoring industry's compliance with legal requirements, as well as their railway operations, with the objective of preventing rail-related accidents and incidents.

The Government of Canada's primary objective for the rail safety regime is prevention of accidents, including accidents involving the transportation of dangerous goods. This is consistent with one of the stated objectives of the *Railway Safety Act* which is to "promote and provide for the safety and security of the public and personnel, and the protection of property and the environment, in railway operations."

In Canada, the transport of dangerous goods is regulated under the *Transportation of Dangerous Goods Act, 1992* and the subsequent *Transportation of Dangerous Goods Regulations*. The *Transportation of Dangerous Goods Act, 1992* applies to the import, offer for transport, handling and transport of dangerous goods by all modes of transport – air, marine, road and rail (The *Transportation of Dangerous Goods Act, 1992* does not apply to dangerous goods that are transported by a pipeline or confined only by the permanent structure of a vessel).

In addition, the *Transportation of Dangerous Goods Act, 1992* allows Transport Canada to come into agreement with Provinces and Territories on the administration of the Program and the *Transportation of Dangerous Goods Regulations*, adopted by all provinces and territories, and establishes the safety requirements for the transportation of dangerous goods.

Dangerous goods will continue to move across Canada by road, rail, water, and air. These shipments range from industrial chemicals to manufactured goods and, while indispensable to our modern way of life, they can pose a threat if not handled safely.

Transport Canada is the focal point for the national program to promote public safety during the transportation of dangerous goods. Transport Canada has a robust compliance and response program that is responsible to conduct inspections, investigations, and enforcement activities to ensure that all who handle or transport dangerous goods comply with *Transportation of Dangerous Goods Regulations*. It also serves as the major source of regulatory development, information and guidance on dangerous goods transport for the public, industry and government employees.

The *Transportation of Dangerous Goods Act, 1992* requires dangerous goods to be properly classified and transported in the appropriate means of containment. Additional requirements include proper documentation, safety marks, training, reporting and *Emergency Response Assistance Plans* (often referred to as *Emergency Response Assistance Plan*), if applicable. The *Transportation of Dangerous Goods Act, 1992* is focused on preventing releases of dangerous goods under normal conditions of transport while ensuring an appropriate response capability exists in the event of an actual or anticipated release.

The Government of Canada has taken concrete and recent steps to strengthen the rail safety regime in Canada through regulatory and legislative reform and improved inspection capacity.

Similarly, the transportation of dangerous goods regime continues to be improved through regulatory amendments and alignment with other relevant federal regimes (e.g., marine sector). Separately and in addition to steps taken under safety legislation as described above, the Government of Canada has also acted to strengthen the liability and compensation regime for federal railways, which is set out in the *Canada Transportation Act*. This regime, which includes elements currently specific to accidents involving crude oil, is also discussed in this annex.

## **1. RAIL SAFETY AND ACCIDENT PREVENTION**

Amendments to the *Railway Safety Act*, most of which came into force on May 1, 2013 provided Transport Canada greater oversight and enforcement capacity and clarified the Minister's authority and responsibilities with respect to rail safety. For example, the amendments ensure that all companies operating on federal track are subject to the same high degree of safety requirements. The Act was further amended June 18, 2015 to enhance rail safety. For example, the Act was amended to provide the Minister with the authority to issue a Ministerial Order requiring a company to take corrective measures if it is believed to be implementing its Safety Management System in a way that could compromise railway safety.

On February 12, 2016, Transport Canada approved the *Rule Respecting Key Trains and Key Routes*. The objective of the rule is to further strengthen railway safety by reducing the risks and impacts of rail accidents involving dangerous goods. In addition to imposing speed limitations, the rule emphasizes track maintenance, risk assessments, and allows for the incorporation of safety and security concerns of municipalities and other levels of local government in risk assessments to be conducted by railway companies.

Under these rules, railway companies must restrict the speed of their trains carrying large volumes of dangerous goods to:

- a maximum of 80 kilometres per hour at all times, and
- a maximum of 64 kilometres per hour in highly urbanized areas and when transporting certain dangerous goods in DOT-111 tank cars through higher risk areas.

On April 1, 2015, new *Safety Management Systems Regulations, 2015* came into force, requiring companies to integrate safety into day-to-day company operations, which includes elements such as the requirement to have a safety policy, safety targets, a risk assessment process, and monitoring procedures. Specifically, a railway company must conduct a risk assessment when beginning to transport dangerous goods, transporting dangerous goods different from those already carried, increasing the volume of dangerous goods carried, or changing the route on which dangerous goods are transported.

Also in 2015, Transport Canada approved revised Rule 112 of the *Canadian Rail Operating Rules* on train securement which made prominent requirements, establishing additional layers of defence to secure trains and further reduce the risk of runaway trains. The revised rule provides industry with a comprehensive handbrake application chart and additional physical measures to secure railway equipment. The rule came into effect on October 14, 2015.

In 2015, the Minister of Transport introduced a requirement that all federally regulated railway companies and provincially regulated railway companies operating on federally regulated track hold a valid *Railway Operating Certificate* in order to operate in Canada. Among the requirements to obtain a *Railway Operating Certificate*, companies must attest that they have:

- a) the human and financial resources to operate and maintain a railway at the highest level of safety, and
- b) a safety management system that meets the requirements of the Railway Safety Management System Regulations, 2015.

The *Railway Safety Administrative Monetary Penalties Regulations* are designed to encourage regulatory compliance by having a monetary cost for contraventions of the *Railway Safety Act*, and regulations and rules made under the *Act*. The regulations came into force April 1, 2015. Administrative monetary penalties are issued by Transport Canada to either corporations or individuals. Penalties are based on the severity of the violation. The maximum amount is \$50,000 for an individual and \$250,000 for a corporation.

Transport Canada has also strengthened its Rail Safety Inspectorate by increasing the number of inspectors and improving training. Transport Canada audits and inspects railway companies to verify they follow the rules, regulations, and standards that apply to them. Every year, Transport Canada conducts approximately 33,000 inspections of grade crossings, locomotives, freight and passenger cars, tracks, bridges and train crews. This includes more than 8,300 inspections conducted in British Columbia between March 2017 and March 2018.

Transport Canada hired additional inspectors with functional specialization in track, crossings and signals to expand Transport Canada's capacity. Transport Canada also increased its capacity to audit Safety Management Systems of railway companies by hiring additional auditors. Furthermore, from a regulatory perspective Transport Canada is taking steps to address human factors risks in the rail industry through on-going work on fatigue in operating crews and Bill C-49, that will mandate the installation of locomotive voice and video recorders onboard locomotives, with a view to enhancing safety and preventing accidents.

In 2016, the Minister of Transport announced more than \$20 million of funding under the *Rail Safety Improvement Program*. Funding was used to support 131 projects covering safety improvements on rail crossings and along rail lines, the use of innovative technologies, research and studies to improve rail safety, closures of grade crossings, and public education and awareness initiatives. Of the projects approved, 23% of the funding was allocated to projects in British Columbia.

The *Rail Safety Improvement Program* provides grant and contribution funding to improve rail safety and reduce injuries and fatalities related to rail transportation. The program funds:

- Safety improvements to existing rail lines;
- Closures of grade crossings; and
- Initiatives to raise awareness about rail safety issues across Canada.

The program has two key components:

- The infrastructure, technology and research component funds projects that address the immediate rail safety needs of communities, and
- The public education and awareness component funds public education projects aimed at reducing railway-grade crossing collisions and trespassing incidents on railway property, particularly in high-risk areas.

## **2. EMERGENCY RESPONSE ASSISTANCE PLAN (ERAP)**

The *Transportation of Dangerous Goods Act, 1992* provides that anyone responsible for a means of containment (e.g., a driver, a company representative, a shipmaster, a train operator, etc.) has the duty to report any spills or anticipated release of dangerous goods that is or could be in excess of quantity or concentration specified by regulations, loss or theft of dangerous goods that endangers, or could endanger, public safety.

In addition, the *Transportation of Dangerous Goods Act, 1992* requires that before a person offers for transport or imports certain dangerous goods, they must have an approved *Emergency Response Assistance Plan*. An *Emergency Response Assistance Plan* outlines the response to a release or anticipated release of the dangerous goods while in transport. It is designed to make the technical knowledge of the industry and its resources, such as equipment and response personnel, more accessible for first responders in the interest of public safety.

*Emergency Response Assistance Plans* are now required for the rail transport of flammable liquids, such as crude oil, ethanol, diesel, gasoline, and aviation fuel.

Transport Canada has developed a powerful approach to preventing and responding to dangerous goods incidents. Over the past few years, Transport Canada has strengthened its oversight program, including the hiring of close to 90 inspectors, resulting in approximately 5,200 inspections; an increase of 120% since 2013-2014. In 2017-2018, an estimated 864 inspections will be completed in the Pacific region; an increase of 83% from the planned total of 476 inspections in 2013-2014. In 2018-2019, Transport Canada is planning approximately 1,025 inspections in the Pacific region; an increase of 115% from 2013-2014.

In addition, Transport Canada's *Canadian Transport Emergency Centre*, most commonly known as CANUTEC, provides remote technical emergency response advice during dangerous goods incidents in all modes of transport on a 24/7 basis, including security-related events. It provides advice primarily to first responders during incidents involving dangerous goods.

## **3. LIABILITY AND COMPENSATION**

The *Canada Transportation Act* was amended in 2015 to set out a robust regime for rail liability and compensation comprising two tiers. The first tier prescribes minimum levels of insurance that federally regulated freight railways must carry based on the type and volume of dangerous goods they transport, enforceable by administrative monetary penalties of up to \$100,000 per violation for non-compliance. These risk-based minimums range from \$25 million for railways carrying limited or no dangerous goods, up to \$1 billion for railways carrying substantial amounts of specified dangerous goods. This currently applies primarily to Canadian National and Canadian Pacific. For accidents involving crude oil, railways are held liable up to their required insurance level, without requiring proof of fault or negligence.

The railway insurance levels established under the regime are expected to cover costs for the vast majority of accidents. However, in the event that damages from a rail accident involving crude oil exceeded the railway's required insurance level, the second tier – a supplementary, shipper-financed compensation fund – would cover all remaining damages.

There is no limit on claims to this fund, titled the *Fund for Railway Accidents Involving Designated Goods*. In the unlikely event that accident damages were more than the railway's

insurance coverage and the amount in the *Fund* combined, the Government of Canada's *Consolidated Revenue Fund* could be called upon as a backstop.

The two-tier regime represents a strengthened approach to federal rail liability and compensation developed following the devastating Lac-Mégantic derailment of 2013. The railway involved in that accident had insurance inadequate to the scope of damages. The enhanced regime is meant to ensure that in the event of future rail accidents, sufficient resources will be available to adequately compensate victims, pay for clean-up costs, and protect taxpayers. It provides greater certainty for victims of crude oil accidents by taking a no-fault approach to railway liability, whereas previously this was determined by the courts, and by establishing a fund that allows unlimited compensation. This enhanced federal regime aligns with the "polluter pays" principle at the heart of liability regimes in other modes and sectors in Canada, such as pipelines and ship-source oil spills.

## CHAPTER 1 – OIL SPILL RESPONSE SCIENCE AND RESEARCH

The Government of Canada has several ongoing science and research initiatives related to oil spill preparedness and response. This includes increasing the investment in improving the security of the transport of oil products, spill recovery and responses, by focusing research on the fate, behaviour and effects of various oil products in different spill conditions and under extreme Canadian climates.

Through a \$1.5 billion investment in the Oceans Protection Plan the Government of Canada is putting in place the resources, processes, and training regimes to reduce the potential for an oil spill to occur along our coastlines. However, in the unlikely event of a spill, it is important to have in place the spill response protocols and technologies needed to respond quickly and effectively. This investment is extending the investment in managing oil spills that began in 2012.

The Government recognizes the importance of ensuring spill responders have the information needed to predict the trajectory of a spill, determine the best response plans and actions, and be equipped with the best spill response technologies and equipment. It is important to understand the impacts on the environment in order to focus longer-term environmental remediation efforts. Researchers in federal departments are carrying out studies to determine the fate, behaviour, and potential impacts of spilled oil, both conventional and non-conventional, bringing their unique expertise and resources to different aspects of the issue.

Since 2012, our understanding has greatly improved related to the fate and behaviour of a number of diluted bitumen products should they spill into marine and fresh waters (*Annex A – Understanding Spills of Diluted Bitumen into Aqueous Environments*). This knowledge includes: physical and chemical properties of fresh and weathered diluted bitumen, interactions with sediments and shoreline materials, and how this changes as the diluted bitumen weathers. Additionally, we are better able to predict the fate, behaviour and biological effects of spilled diluted bitumen, utilizing this new knowledge and employing enhanced meteorological and hydrodynamic data in improved spill models.

Additionally, our findings have shown that diluted bitumen behaviour falls within the range of conventional oil products and so conventional mechanical methods have been found effective, especially in the initial stages of a spill. We are continuing to study both the impacts of a spill of diluted bitumen on biota, as well as mapping the baseline ecological state of the coastal ecosystems that could be affected by an oil spill. For example, we are conducting baseline studies of ecosystems along British Columbia's northern coast. These studies can be used for a range of activities, including to identify more fragile ecosystems on which regional response plans could focus.

A synthesis of the Knowledge of the Fate and Behaviour of Diluted Bitumen in Aquatic Ecosystems has recently been undertaken through Fisheries and Oceans Canada's scientific peer review process, the Canadian Science Advisory Secretariat (<http://www.dfo-mpo.gc.ca/csas-sccs/index-eng.htm>). This process brought together federal scientists and external experts to summarize the state of knowledge in this field and can be used to further direct future research efforts.

## 1. Oil Spill Behaviour Science

Since 2012, significant research has been conducted by Fisheries and Oceans Canada, Environment and Climate Change Canada, and Natural Resources Canada to better understand the fate, behaviour and effects of diluted bitumen spills.

Federal scientists, in collaboration with colleagues in other levels of government, academia, and the private sector, have made considerable progress, publishing more than 60 peer-reviewed papers or conference presentations. In addition, there are 30+ additional peer-reviewed papers published by external organizations. These studies on the fate and behaviour of spill hazardous materials including oil and related petroleum spills provide information and data that informs oil spill emergency responders, regulators, academics, environmental non-governmental organizations, Canadians and Indigenous Peoples.

For example, over the past four decades, Environment and Climate Change Canada has built one of the world's leading oil spill research programs. Environment and Climate Change Canada's Emergencies Science and Technology Section has extensive experience and expertise in the study of oil fate and behaviour, physical/chemical properties, petroleum forensics, spill countermeasures, field response, and oil spill modelling.

The Open Government data portal is one of the mechanisms being used to provide access to the data resulting from studies conducted by federal government scientists.

Two examples of these data are:

Physiochemical properties of petroleum products database;  
<https://open.canada.ca/data/en/dataset/53c38f91-35c8-49a6-a437-b311703db8c5>

Shoreline classification data including that for the Northern British Columbia Coastline is included in the links below. Additional information and supplementary data including videos and photographs will be added shortly.

<b><i>Open Government Portal</i></b>
<i>Shoreline Segmentation with Shoreline Cleanup Assessment Technique (SCAT) Classification</i>
<i>Atlantic Shoreline Classification</i>
<i>Ontario Shoreline Classification</i>
<i>Quebec - Saint-Lawrence River - Shoreline Classification</i>
<i>Northern Canada Shoreline Classification</i>
<i>North Coast of British Columbia Shoreline Classification</i>

Environment and Climate Change Canada hosts the annual Arctic and Marine Oilspill Program Technical Seminar on Environmental Contamination and Response as a platform to discuss spill related issues including diluted bitumen. The 41<sup>st</sup> Arctic and Marine Oilspill Program Technical Seminar will take place in Victoria, British Columbia in October 2018 to highlight the importance the government places on public concerns and facilitate dialogue.



## **2. Oil Spill Response Technology**

The Government of Canada is committed to ongoing science work related to hydrocarbons and spill response. This includes increasing investments in improving spill response technologies.

This commitment includes \$5M of funding from Natural Resources Canada of external technology development under the *Oil Spill Response Science Program*. These projects are focused on improving recovery technologies and processes for the clean-up of heavy oil products spilled in marine environments. These projects, undertaken in collaboration with academia, industry and oil spill responders, will help build more solutions into this space.

Through the *Oil Spill Response Science Program*, Natural Resources Canada has provided funding of more than \$925,000 to BC Research Inc. in Richmond, British Columbia. BC Research Inc. is partnering with NORAM Engineers and Constructors and the University of British Columbia to accelerate the development of a hybrid spill-treating agent as a rapid response agent to combat large-scale marine oil spills.

More recently, one of the initiatives under the Oceans Protection Plan being led by Fisheries and Oceans Canada, will focus on a study of alternative oil spill response measures, through a \$45M multi-partner research initiative. This initiative is aimed at addressing knowledge gaps in oil spill research that will bring together a national/international network of scientists from:

- Academia;
- Industry; and,
- Other government agencies.

The deliverables from this program will support the consideration and potential use of additional tools for emergency spill response. The program will also enhance the level of science-based decision making in oil spill response operations based on a determination of net environmental benefit in order to reduce, eliminate and/or mitigate impacts to aquatic environments and their living resources.

## **3. Dangerous Goods**

Transport Canada is conducting scientific research related to the transport of petroleum crude oil. Collaborating with such industries as the Canadian Crude Quality Technical Association, Transport Canada is studying crude oil variability in flammability and its risks during transport, as well as developing a field tester to measure hydrogen sulfide gas concentration that may evolve in the vapour space of a petroleum crude oil container.

Transport Canada is conducting numerous research projects to improve the safety of the transportation of dangerous goods. Some projects include assessing the behaviour of crude oil in various conditions and containers, investigating tank car steels, and the modelling of a cryogenic UN Portable Tank during fire testing.



#### 4. Support to Emergency Response

Fisheries, Oceans and the Canadian Coast Guard provides support to the emergency response regime through leadership, scientific expertise and facilitates the consideration of effect oil spills have on Canada's coastal, marine, and estuarine ecosystems. Fisheries, Oceans and the Canadian Coast Guard enhances knowledge for science-based decision making in oil spill response operations through several initiatives, including:

- Scientific advice offered through the *Canadian Science Advisory Secretariat* peer reviewed process;
- Environmental Incident Coordinator Program;
- Centre for Offshore Oil, Gas and Energy Research;
- National Contaminants Advisory Group;
- Multi-Partner Oil Spill Research Initiative and Alternative Response Measures; and
- Coastal Environmental Baseline Program.

The *Canadian Science Advisory Secretariat* coordinates the development of peer reviewed science advice for Fisheries, Oceans and the Canadian Coast Guard. Recently, peer reviewed science advice has been developed and continues to be improved on a number of important topics, for example:

- Identifying how shipping activities may potentially impact the marine and freshwater environment by examining the activities that are involved, the type of cause-effect relationships that are known to exist; and the mechanisms that ultimately lead to effects in the aquatic environment. Each pathway represents an area where mitigation measures can be applied to reduce or eliminate a potential effect including in prevention and response.
- Improving our understanding of vulnerable ecosystems and fate and effects of oil products. This includes an overview of oil properties and effects to aquatic biota, the development of a framework to assess vulnerability of biological components to oil spills in the marine environment, identifying research requirements for the biological effects of oil and gas in the marine environment, and identification and re-assessment of *Ecologically and Biologically Significant Areas* and *Ecologically Significant Species*.

The Government of Canada's Oceans Protection Plan is investing additional resources for increased capacity to provide more comprehensive support to the marine emergency response regime, including for planning and preparedness through to recovery and restoration.

Specifically, the Environmental Incident Coordinator Program has been established to enhance Fisheries, Oceans and the Canadian Coast Guard's participation in the existing marine emergency response regime. Environmental Incident Coordinators:

- Support a well-informed planning and preparedness regime;
- Participate in response exercises to test and train responders;
- Provide technical expertise and support to responders;
- Facilitate the provision of scientific advice during a response; and,
- Relay information back to Fisheries and Oceans regionally as well as with national counterparts to continue to inform and improve on the response process.

The Centre for Offshore Oil, Gas and Energy Research performs collaborative research to support evidence-based decision making, including: predicting the fate, behaviour and interaction of petroleum products in the environment; and testing various techniques to mitigate the impacts of oil spills on ecosystems.

Government of Canada Response to British Columbia's  
Policy Intentions Paper for Engagement

**DRAFT**

April 17, 2018

The National Contaminants Advisory Group engages with experts from various sectors to better understand the biological effects of oil and gas contaminants and the use of countermeasures for oil spills on aquatic organisms and resources.

Under the Government of Canada's Coastal Environmental Baseline Program, two pilot sites in the Province of British Columbia (Port of Vancouver and Port of Prince Rupert) have been identified for the collection of new data to characterize the ecosystem and develop a baseline of information that may be used to inform decision-making, including a cumulative effects of marine shipping framework and other assessments. This work is being developed in collaboration with Indigenous Peoples and coastal communities.

## **CHAPTER 4 – PIPELINE REGIME RELATED TO SPILL MANAGEMENT**

Canada's federally regulated pipeline safety system is comprehensive, sound, and Indigenous Peoples and communities are fully involved in all aspects of pipeline safety operations.

With 825,000 kilometres of transmission, gathering and distribution pipelines in Canada, most provinces have significant pipeline infrastructure. Close to 100 pipeline companies are federally-regulated and operate approximately 73,000 kilometres of pipelines in Canada.

The National Energy Board is an independent federal agency that regulates cross-border pipelines in Canada. The National Energy Board ensures that pipeline companies meet strict requirements to keep Canadians and the environment safe.

The Government of Canada has taken a number of steps in recent years to strengthen the federal pipeline regime, including the *Pipeline Safety Act*, which amended the *National Energy Board Act*. The *Act* built on similar work to strengthen the offshore, nuclear, marine, rail safety, and compensation regimes. It introduced a number of new measures focused on incident prevention, preparedness and response, and liability and compensation, applicable to federally regulated pipelines, including associated marine terminals.

British Columbia's spill response regime addresses many of the same elements of the federal regime including around marine protection, prevention and response measures. We welcome opportunities to continue to work together to ensure complementarity between provincial and federal regimes and to minimize duplication.

Natural Resources Canada and other federal departments and agencies, including the National Energy Board, provided input during the early stages of British Columbia's emergency management regulatory framework. The National Energy Board has been actively engaged in the British Columbia spill regime initiative through regulator-to-regulator discussions with the British Columbia Ministry of Environment and Climate Change Strategy.

National Energy Board input has focused on avoiding regulatory duplication or conflict and clarifying regulatory expectations for companies that may fall under both National Energy Board regulatory requirements and the British Columbia Spill Regime. The National Energy Board and Natural Resources Canada also participated in the "*Symposium on Land Based Spill Preparedness and Response in British Columbia*" hosted by British Columbia Ministry of the Environment in April 2016. We appreciate that British Columbia has acknowledged jurisdictional considerations and emphasized its plan to work on *complementary* measures going forward.

The National Energy Board has also established a working relationship with the British Columbia Ministry of the Environment and Climate Change Strategy and Emergency Management British Columbia. The National Energy Board interacts with these organizations through meetings and workshops and in particular, through emergency response exercises and incidents.

The National Energy Board has participated in Unified Command under the Incident Command System with British Columbia Ministry of the Environment and Climate Change Strategy on a number of occasions in this context. The placement of an Emergency Management Specialist in the National Energy Board's Vancouver Regional Office has facilitated opportunities to continue proactive engagement with British Columbia Ministry of the Environment and Climate Change Strategy and Emergency Management British Columbia.

The National Energy Board and British Columbia Ministry of the Environment and Climate Change Strategy are also working together to lead a project under the Environmental Emergencies Working Group of the Canadian Council of Ministers of the Environment. The objectives of the project are to promote cooperation amongst governments in response to environmental emergencies. As co-chairs, the National Energy Board and British Columbia Ministry of the Environment and Climate Change Strategy have developed the project strategy and continue to work together to guide the Project Working Group and will oversee the documentation that will be produced.

## 1. PREVENTION AND RESPONSE

The Government of Canada's primary objective for pipeline safety is the prevention of incidents. Recent measures implemented at the federal level that advance world-leading incident prevention in the pipeline sector include:

- Updating and strengthening damage prevention requirements;
- Providing new funding of close to \$65 million (over five years) to fund the Indigenous Advisory and Monitoring Committees for the Trans Mountain Expansion project to involve Indigenous Peoples of Canada in the ongoing monitoring of the environmental, safety and socio-economic issues over the full lifecycle of the project;
- Adding provisions for implementing Administrative Monetary Penalties; and,
- Making public the National Energy Board's report on the use of "best available technologies" in pipeline construction and operations.

Emergency management is best achieved through clear and comprehensive regulatory requirements and regulatory oversight. For federally regulated pipelines, these requirements are set out in the *National Energy Board Act* and the *National Energy Board Onshore Pipeline Regulations*. The legislation requires companies regulated by the National Energy Board to have a comprehensive *Emergency Management Program* in place that is subject to the National Energy Board's compliance verification activities.

The preparedness and response regime for federally-regulated pipelines allows companies and other emergency response stakeholders to be ready and able to react swiftly and effectively by:

- Involving local communities, including Indigenous communities, in planning, operations;
- Requiring companies to plan for and be able to respond to an incident of any size or duration;
- Requiring companies to hold a minimum level of financial resources in readily accessible form to ensure they can respond quickly;
- Authorizing the National Energy Board to assume control of incident response in exceptional circumstances, if a company is unable or unwilling to do so; and,
- Authorizing the National Energy Board to order reimbursement of certain clean-up costs.

British Columbia has been a key contributor to the federal-provincial-territorial dialogue on pipeline safety including in the lead up to the *Pipeline Safety Act* legislation in 2015. Natural Resources Canada shares British Columbia's interest in advancing safety objectives including ensuring the safe movement of energy resources and protection of the environment, aided by enhanced spill recovery and response. Continued cooperation will ensure that our efforts are complementary, and that they enable economic growth and a clean environment for the benefit of British Columbians and all Canadians.

The National Energy Board and the British Columbia Oil and Gas Commission have a Memorandum of Understanding that addresses supporting one another in emergency situations. The National Energy Board has similar cooperative working relationships with other provincial departments and energy regulators.

## **2. LIABILITY AND COMPENSATION**

The liability and compensation regime for federally-regulated pipelines ensures Canadians are protected from costs and damages and that the environment is protected following any incident. To build on the current unlimited liability in the case of fault or negligence, the *Pipeline Safety Act* established “no fault” absolute liability on the part of pipeline companies, set at \$1 billion in the case of operators of major oil pipelines. For example, the *Trans Mountain* pipeline has a financial assurances plan that provides for coverage of \$1 billion (growing to \$1.1 billion with the current Expansion Project) for loss or damages from a spill including cleanup and remediation, and loss of non-use value of a public resource.

Other improvements to pipeline liability and compensation include:

- Requiring companies to have sufficient financial resources to cover the costs of an incident. This requirement has to match, at a minimum, the amount of absolute liability imposed on companies (e.g., \$1 billion for operators of major oil pipelines);
- Providing an interim government financial backstop to ensure funds are available to the National Energy Board to assume control of incident response. The National Energy Board will also have the authority to fully recover associated costs from industry;
- Ensuring companies are responsible, by law, for all costs associated with an unintended or uncontrolled release from a federal pipeline, including all actual losses or damages incurred by any person; the costs and expenses reasonably incurred by the Crown (federal or provincial) or any Indigenous governing body; and loss of non-use value relating to a public resource such as a national park or eco-system.

## **3. EMERGENCY MANAGEMENT REQUIREMENTS RELATED TO THE TRANS MOUNTAIN EXPANSION PROJECT**

A concrete demonstration of the Government of Canada's commitment to safe and secure pipeline operations is federal approval of the *Trans Mountain Expansion Project*. In November 2016, the Government directed the National Energy Board to issue a certificate for the *Trans Mountain Expansion Project* subject to over 150 conditions as set out in the National Energy Board Report, including those related to mitigating the risk and impact of oil spills. These conditions are in addition to the robust regulatory framework under the *National Energy Board Act* and the *National Energy Board Onshore Pipeline Regulations* that the Project falls under. The conditions include items related to:

- Regulatory and/or overarching requirements (9 conditions);
- Project engineering and safety (53 conditions);
- Emergency preparedness and response (15 conditions);
- Environment (49 conditions);
- Air emissions and greenhouse gases (9 conditions);
- Socio-economic considerations (35 conditions);
- Economic, finance and markets (2 conditions); and,
- Project-related marine shipping (6 conditions).

The *Trans Mountain Expansion Project* Certificate Condition 117 requires Trans Mountain to file updates on the enhancements already implemented in its Emergency Management Program. The *National Energy Board Onshore Pipeline Regulations* state that an Emergency Management Program must anticipate, prevent, manage and mitigate conditions during an emergency that could adversely affect property, the environment or the safety of workers or the public. This includes the need for emergency procedure manuals that are regularly reviewed, updated and made publically available. A company must also have a site-specific plan for sensitive areas such as wetlands or national parks.

Companies regulated by the National Energy Board must establish and maintain a close working relationship with agencies that may be involved in an emergency response related to a pipeline to ensure effective coordination. This could include first responders, city planners, municipalities, and Indigenous communities. Companies must also have their emergency response plans and related emergency management program information posted on their publically available websites.

The National Energy Board also verifies compliance with regulatory requirements. This can include, for example, a comprehensive emergency procedures manual review, National Energy Board evaluations of company emergency response exercises, and management system audits. During compliance verification, National Energy Board Inspection Officers and other staff work with the company, local municipalities, first responders, Indigenous groups, and other stakeholders; each of whom may be involved during an emergency response.

It is worth noting that *Trans Mountain Expansion Project* Certificate Condition 119 requires that Trans Mountain file an Emergency Preparedness and Response Exercise and Training Program and Condition 136 requires Trans Mountain to complete a full-scale emergency response exercise prior to operations commencing for specific scenarios, including a scenario for a diluted bitumen release into Burrard Inlet as a result of a release from the Westridge Marine Terminal. The National Energy Board's exercise evaluations will be made publically available on its website.

The National Energy Board enforces regulatory requirements in order to obtain compliance, deter future non-compliance, and prevent harm by using the most appropriate tool or tools available. The National Energy Board posts information on its website on its compliance and enforcement activities with the goal of providing information related to its compliance and enforcement actions, in a manner that is clear and accessible.

## **CHAPTER 2 – MARINE REGIME RELATED TO SPILL MANAGEMENT**

The Government of Canada is accountable to Canadians to ensure that the public interest is being protected in the event of a marine pollution incident. Canada's ship-source oil spill prevention, preparedness, response, and liability and compensation regime is already well established.

This robust regime is primarily administered by Transport Canada and the Canadian Coast Guard, while Fisheries and Oceans Canada, Environment and Climate Change Canada, and Natural Resources Canada provide scientific expertise to support the system.

This regime has been highly effective in responding to marine pollution incidents in all regions of Canada and utilizes a collaborative approach for marine pollution response that includes federal, provincial, municipal, Indigenous Peoples, and private sector partners to ensure an appropriate response.

Canada's marine regulatory regime is built on international and domestic cooperation, and is supported by more than 100 regulations enabled by almost 30 Acts as well as international agreements and commitments. Canada has been a member of the International Maritime Organization<sup>1</sup> since 1948 and is a signatory to agreements which establish standards and best practices for prevention, preparedness, response, compensation, and cooperation. Implementation of our national ship-source oil spill preparedness and response regime is guided by these standards and we work closely with international partners, both in planning and during operations.

The regime sets the guidelines and regulatory structure for the preparedness and response to marine oil spills and ensures that industry is prepared for and responds to spills in Canadian waters. For example, prescribed vessels and oil handling facilities, must have an arrangement with a Transport Canada certified Response Organization that would respond to a spill on the polluter's behalf. There are four Response Organizations in Canada that service Canadian waters south of the 60<sup>th</sup> parallel and are certified every three years by Transport Canada. Response Organizations maintain strategically located response equipment, trained responders, response plans and conduct exercises on a regular basis.

Finally, the ship-source oil spill preparedness and response regime is based on the "polluter pays" principle, whereby the polluter is responsible for costs related to cleanup and pollution damage. This principle is implemented in Canadian law, with the intent to establish uniform rules that are consistent with international law and that balance the interests of ship-owners and other parties involved in a maritime accident.

### **1. International Framework**

Canada is a leading member of the International Maritime Organization. Recent investments through the Oceans Protection Plan have reinvested in Transport Canada's international engagement capacity to ensure that Canada remains a present and reliable partner, able to nurture and leverage international partnerships in support of Canadian interests and priorities.

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<sup>1</sup> The International Maritime Organization is a specialized agency of the United Nations which is responsible for measures to improve the safety and security of international shipping and to prevent pollution from ships.



The 1982 *United Nations Convention on the Law of the Sea*, ratified by Canada in 2003, provides a global framework for the oceans to protect the marine environment, delimit ocean boundaries, and establish navigation rights and responsibilities. In addition to this convention, there are a number of other international conventions under the International Maritime Organization that have been ratified and implemented domestically, these include:

- The *International Convention for the Safety of Life At Sea, 1974, and the Protocol of 1988 relating to the Convention (SOLAS)* that sets out how a vessel is constructed, the safety equipment required on board and establishes security requirements.
- The *International Convention on Standards of Training, Certification and Watchkeeping for Seafarers* that sets out the competencies of a vessel's crew.
- The *International Convention for the Prevention of Pollution from Ships, 1973 (MARPOL)* that sets limits on a vessel's operational discharges and sets detailed technical standards for
  - Carrying and handling oil;
  - Carrying and handling noxious liquid substances in bulk;
  - Carrying packaged dangerous goods;
  - Managing vessel sewage discharges, garbage and air emissions.
- The *International Convention on Oil Pollution Preparedness, Response and Co-operation, (OPRC), 1990* provides a framework for dealing with pollution incidents, including oil pollution, either nationally or in co-operation with other countries; and
- Other international agreements on liability and compensation for oil spills.

## **2. Marine Safety and Incident Prevention**

The marine international framework underlies Canada's marine safety regime and plays an important role in the prevention of incidents. In order to implement this framework domestically and to ensure safe shipping in Canada, Transport Canada undertakes a number of activities related to the prevention of marine safety incidents and ship-source oil spills, such as developing laws and regulations and monitoring and enforcement.

The primary legislation that governs marine safety in Canada is the *Canada Shipping Act, 2001* and the *Oceans Act*. The Act protects the health and wellbeing of people and the environment, regulates marine transportation and provides authority to investigate and, if necessary, to prosecute. Other important marine legislation includes: the *Pilotage Act*; the *Canada Marine Act*; the *Marine Liability Act*; the *Marine Transportation Security Act*; the *Arctic Waters Pollution Prevention Act*; the *Navigation Protection Act*; and the *Coasting Trade Act*.

The marine safety system is designed to prevent incidents from happening. This is achieved by establishing regulations, enacting vessel construction standards, conducting ship and equipment inspections, and establishing requirements for the competency of crews. As an example related to construction standards, Transport Canada ensures that many oil barges and tankers meet the double hull construction standards. This means that the bottom and sides of tankers have two complete layers of watertight hull surface, which helps maintain a vessel's watertight integrity if the outer hull is damaged and therefore reduces the likelihood of spills.

Ultimately, ship owners and the marine transportation industry are responsible for preventing oil spills under Canadian law and its supporting regulations. For example, the marine transportation industry must put in place procedures for safe operations onboard their ships, follow international rules for preventing collisions at sea, have up-to-date nautical charts, have a



passage plan for each trip, be equipped with technology that allows Canada to monitor the ship's progress, and ensure that their officers and crews are properly trained, qualified, and competent.

This regulatory approach is supported by a number of federal programs intended to support the marine transportation industry, provide safe navigation, and prevent incidents. For example, the Marine Communications and Traffic Services centres provide distress and safety call monitoring and coordinate responses, broadcast maritime safety information (weather and navigational warnings), screen vessels entering Canadian waters, deliver information and advice to regulate marine traffic movement, and take appropriate action to ensure the safe and efficient movement of vessels in Canadian waters. In terms of preventing pollution, the National Aerial Surveillance Program has significantly contributed to the decrease in oil discharges in Canadian waters and runs frequent surveillance patrols.

All vessels, including tankers, must follow routing and reporting procedures on Canada's coasts. Tankers must also observe any bans and other navigation restrictions and are encouraged to observe voluntary exclusion zones. These requirements help to keep our coasts clean and safe. In addition to these prevention measures, the *Pilotage Act* establishes Pilotage Authorities, which among other things, establish compulsory pilotage areas. In these areas, large vessels of certain types, including tankers, must take certified or licenced pilots on board. These pilots have expertise in navigation, the handling characteristics of the vessels they are guiding, as well as expertise in navigating the local waterways.

### **3. Canada's Ship-Source Oil Spill Preparedness and Response Regime**

Described as a public-private partnership, the Government of Canada provides the legislative and regulatory framework, including oversight of preparedness and response actions both before and during a spill, while industry bears the responsibility for funding, responding to, and cleaning up ship-source oil spills.

Transport Canada is the lead regulatory department that manages and governs Canada's Ship-Source Oil Spill Preparedness and Response Regime. The regime is designed to ensure that Canada maintains a robust level of preparedness and capacity to respond efficiently to a spill along any of its three coastlines, the Great Lakes, the St. Lawrence Seaway, and select inland waters.

Transport Canada's marine safety programs provide Canadians with a safe and efficient marine transportation system worthy of public confidence. The department administers a number of acts and regulations related to shipping and navigation and assists with the administration of many others. Given the international nature of marine trade, Canada's domestic regime is founded on international conventions, standards, and practices. Transport Canada:

- Provides regime management and oversight through the *Canada Shipping Act, 2001* and associated regulations and standards;
- Certifies Response Organizations;
- Reviews Oil Handling Facilities emergency and preparedness plans for compliance with regulatory requirements;
- Applies and enforces regulations relating to Response Organizations, such as Western Canada Marine Response Corporation;
- Applies and enforces regulations relating to Oil Handling Facilities;

- Oversees an appropriate level of national preparedness;
- Deters potential polluters and monitors marine oil spills through the National Aerial Surveillance Program<sup>2</sup>;
- Inspects all tankers of 150 tonnes or more and ships of 400 gross tonnes or more that carry oil as fuel or cargo to ensure they have shipboard oil pollution emergency plans and an arrangement with a Response Organization; and
- Enforces strict requirements for reporting pollution.

The Minister of Fisheries, Oceans and the Canadian Coast Guard has the authority and mandate to take command of pollution response incidents under the *Oceans Act*, and through the *Canada Shipping Act, 2001*. The Canadian Coast Guard is the lead federal agency for marine pollution response and through its Environmental Response program is responsible for ensuring the cleanup of ship-source and mystery-source spills of oil and all other pollutants into Canadian waters and with Canada's exclusive economic zone.

In the event of a ship or oil handling facility incident, the polluter must report the incident as required under the regulations of the *Canada Shipping Act, 2001*. The polluter would appoint an on-scene commander, or if the polluter is unwilling or unknown, the Canadian Coast Guard will assume command and manage the incident as required.

Response actions for the marine environment under the current federal regime are comprehensive, integrated and well understood by responders operating under the Incident Command System methodology. As the lead agency for the federal government in response to marine pollution, the Canadian Coast Guard has the mechanisms to leverage an Incident Command System as Incident Commander for response within Canadian Coast Guard's mandate, or a Unified Command structure that integrates key parties, including the polluter, Indigenous Nations and provincial and territorial governments when appropriate and when required.

The Canadian Coast Guard has the authority and jurisdiction to respond to marine pollution events, and to take command of a response if necessary if the polluter is unknown, unwilling or unable to respond appropriately.

Should the polluter be unable, unwilling or unknown, the Canadian Coast Guard is ready and well positioned to work with industry response organizations and deploy its own strategically located vessels, equipment, and highly trained personnel to protect the marine environment. The Government of Canada is investing in the Canadian Coast Guard through the Oceans Protection Plan to further enhance our ability to respond to oil spills.

#### *Greater Vancouver Integrated Response Plan*

The Greater Vancouver Integrated Response Plan for Marine Pollution Incidents is designed to serve as the guide for multi-agency on-water response to serious oil pollution events in the area of English Bay and Burrard Inlet, and reiterates that the Canadian Coast Guard is the lead federal agency to oversee the management of marine pollution spills. It is the product of an impressive cooperative effort by Federal Departments, First Nations, Provincial Ministries,

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<sup>2</sup> Transport Canada provides aerial surveillance over Canadian waters with three aircraft strategically located across Canada. Internationally, aerial surveillance is widely adopted and considered to be the most effective method for the detection of oil spills. Regular aerial surveillance flights have contributed significantly to the decrease in oil discharges at sea, as ships are increasingly aware that their illicit polluting activities can be detected. Visit <https://www.tc.gc.ca/eng/marinesafety/oep-ers-nasp-2195.htm>

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Municipalities, the Port Authority, industry (including the Western Canada Marine Response Corporation), and non-governmental organizations, such as the Vancouver Aquarium. This Plan focuses on ship-source and mystery-source spills of liquid petroleum in the marine environment as covered under the Canada Shipping Act, 2001.

#### *Canada-United States Joint Marine Pollution Contingency Plan*

The Canadian Coast Guard works collaboratively with the United States Coast Guard through the Canada-United States Joint Marine Pollution Contingency Plan, which provides non-binding guidance for coordinating preparedness and response operations. This collaboration demonstrates the value and importance the coast guards bring to emergency planning, preparedness and response. The Joint Marine Pollution Contingency Plan has five geographic annexes which are under the oversight and responsibility of the respective Canadian Coast Guard Regional Director and United States Coast Guard District Commanders. British Columbia is covered by two separate annexes: CANUSPAC for the Pacific Coast, and CANUSDIX for the Dixon Entrance.

The Joint Marine Pollution Contingency Plan is reviewed annually and updated every five years or as necessary.

#### *North Pacific Coast Guard Forum*

The North Pacific Coast Guard Forum was founded in 2000 by Japan and Canada became a full member in 2001. The purpose of the forum is to facilitate multi-lateral cooperation of the member states on matters related to maritime safety and security in the marine environment of the North Pacific Ocean by sharing best practices, exchanging information, and staging on-water exercises. The forum is comprised of officials from maritime safety and security agencies of: Canada, China, Japan, Russia, South Korea and the United States. It has seven working groups: combatting illegal trafficking, combined operations, emergency response, fisheries enforcement, information exchange, maritime security and the secretariat. Canada chairs the fisheries enforcement working group and the Canadian Coast Guard leads the Canadian delegation which also consists of federal representatives from the Fisheries and Oceans Canada Conservation and Protection, the Canada Border Services Agency, and the Royal Canadian Mounted Police.

#### **4. Response Organizations**

Canada's Response Organizations are private entities established and funded by industry to respond to ship-source oil spills. Transport Canada issues a certificate of designation<sup>3</sup> to Response Organizations every three years based on a review of their plan to prepare and respond to spills of up to 10,000 tonnes within prescribed time standards and operating environments<sup>4</sup>. The Response Organizations are industry funded through a series of fees – an annual sum paid by vessels and Oil Handling Facilities – and a bulk oil cargo fee that is levied on vessels that carry oil as cargo.

<sup>3</sup> Response Organizations and Oil Handling Facilities Regulations: <http://laws-lois.justice.gc.ca/eng/regulations/SOR-95-405/FullText.html>

<sup>4</sup> Response Organization Standards: <https://www.tc.gc.ca/eng/marinesafety/tp-12401-response-org-standards-4408.html>

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To operate in Canadian waters south of the 60<sup>th</sup> parallel, prescribed vessels and Oil Handling Facilities of a prescribed class must have an arrangement in place with a certified Response Organization. This arrangement ensures a response in the event of a spill. Select inland waterways, as prescribed by each Response Organization's geographic area of response, are also covered by the regime. Along with an arrangement with a Response Organization, prescribed vessels are required to have a shipboard oil pollution emergency plan on board, official confirmation of an arrangement with a certified Response Organization, and a declaration identifying every individual authorized to invoke both the arrangement and the pollution emergency plan. Transport Canada's inspectors inspect foreign vessels on a risk basis for compliance with a wide range of safety requirements, including the requirement to have an arrangement with a Response Organization.

The requirement for a pollution emergency plan and arrangement with a Response Organization also applies to prescribed Oil Handling Facilities<sup>5</sup>. In addition, they must have on-site equipment to be ready to respond to an incident, as well as declaration describing the way in which the operator complies with the regulatory requirement and identifies every individual authorized to invoke both the arrangement and the oil pollution emergency plan. Transport Canada inspects these facilities to ensure that the required arrangements and plans are on site and in compliance with regulatory requirements.

## **5. Protecting Marine Environments**

Fisheries and Oceans Canada provides leadership and facilitates the development and implementation of plans for the integrated management of activities and for measures that affect Canada's coastal, marine, and estuarine ecosystems. The Department of Fisheries and Oceans administers the *Oceans Act*, the *Fisheries Act*, the *Canada Shipping Act, 2001*, and the *Species at Risk Act* and has program activities focus on:

- Conserving and protecting Canada's oceans and other aquatic ecosystems and species;
- Managing Canada's fisheries, Indigenous fishery programs, and aquaculture activities sustainably; and
- Protection and recovery of aquatic species at risk.

Fisheries and Oceans Canada ensures that federal and departmental policies, programs, and regulations with aquatic resource implications are informed by scientific and technical information. In support of the various emergency-response related Government of Canada initiatives, Fisheries and Oceans Canada is providing science advice, products and collaborations associated with spill response planning efforts including – environmental data, spatial data on species and habitats vulnerable to oil, data management, advice and input for the Transport Canada's Regional Risk Assessment on oil spill risk, spill trajectories, near shore hydrography and charting, tidal gauges, Indigenous partnerships, academic collaborations, and supporting engagement.

Fisheries and Oceans Canada's Coastal Environmental Baseline Program will engage Indigenous and coastal communities to gather baseline environmental data on current environmental conditions, to better detect changes in the environment and improve our understanding of the effects of human activities on the marine environment over time. This program will also address data deficiencies and availability for environmental conditions in selected coastal areas, inform ecosystem characterization, and support evidence-based

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<sup>5</sup> Oil Handling Facilities Standard: <https://www.tc.gc.ca/eng/marinesafety/to-tp12402-menu-607.htm>

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decisions concerning impacts to sensitive marine habitat and species. The project outcome is also expected to contribute to the overall spill response planning effort greatly.

Environment and Climate Change Canada also plays an important role in the protection of marine environments, and administers and enforces federal environmental legislation, such as the *Migratory Birds Convention Act, 1994*; the *Canadian Environmental Protection Act, 1999*; and the pollution prevention provisions of the *Fisheries Act*.

The *Fisheries Act* requires responsible parties to notify the designated authorities of a real or potential pollution release in contravention of the Act and to take appropriate response measures. The *Deposit Out of the Normal Course of Events Notifications Regulations* ensure alignment of emergency reporting requirements stemming from the *Fisheries Act* and the regulations made under the *Canada Shipping Act, 2001*. These regulations also ensure coordination of reporting requirements with provincial and territorial jurisdictions across Canada, including British Columbia.

Environment and Climate Change Canada's main role in emergencies is to provide partners with timely and informed science-based advice to prevent, prepare for, respond to and recover from environmental emergencies. The National Environmental Emergencies Centre is available 24/7 and can provide advice on topics such as:

- Site-specific weather forecasting;
- Spill trajectory modelling;
- Fate and behaviour of hazardous substances;
- Environmental sensitivity mapping;
- Establishment of clean-up priorities;
- Shoreline clean-up assessment techniques; and
- Advice on the protection of sensitive ecosystems and wildlife (e.g., migratory birds).

During the response to an environmental emergency, Environment and Climate Change Canada can convene a "Science Table" involving experts and stakeholders from all levels of government, Indigenous representatives, local communities, industries, and academics to provide consolidated scientific and technical advice to the agencies leading the response. Environment and Climate Change Canada has provided science and technical support in response to incidents in British Columbia on numerous occasions.

## **6. Oceans Protection Plan**

In November 2016, the Government of Canada announced the Oceans Protection Plan, a \$1.5 billion investment to further improve marine safety and responsible shipping, protect Canada's marine environment, and offer new possibilities for Indigenous and coastal communities. This plan represents the largest investment ever made to protect Canada's marine environment and includes many initiatives and programs that will continue to improve on Canada's already strong marine safety and spill management systems.

Among others, these initiatives and programs include:

- **Four new lifeboat stations which will be opened in strategic locations along British Columbia's coast** to improve response capacity for marine incidents and increase coverage to keep mariners and the environment safe. The new stations in British Columbia will be located in the areas of Victoria, Hartley Bay, Port Renfrew, and Nootka;

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- **Regional Response Planning pilot project in Northern British Columbia** and the development of a risk-based planning approach. Regional Response Planning is a holistic, risk-based approach to environmental response planning that takes into account unique regional, ecological, geological, and socio-economic factors;
- **Tougher requirements on industry to provide quicker action for any spills from a ship.** To improve industry's preparedness for oil spills, Transport Canada is reviewing the existing requirements for the industry-funded Response Organizations that provide spill response services in Canada. This review, which will include broad engagement, could result in amendments to time standards for responding to ship-source oil spills;
- **Enhanced emergency response capacity for Environment and Climate Change Canada** by adding new environmental emergency officers on the Pacific (Vancouver) and Atlantic coasts, additional enforcement officers in British Columbia, additional wildlife biologists, and providing 24/7 oil spill modelling capacity;
- **Increase in the Canadian Coast Guard's emergency towing capacity** by acquiring and installing rapidly-deployable emergency towing kits to help vessels in distress and to avoid potential groundings and oil spills; engaging Indigenous Nations and industry to complete a towing needs assessment on the west coast of Canada to identify risks and potential mitigation solutions; and leasing two emergency towing vessels capable of towing large vessels in distress on the west coast;
- **Providing training in search and rescue, environmental response, and incident management** to Indigenous Nations in British Columbia. Two training sessions were already completed in Bamfield, British Columbia, the first in October 2017 and a second in February 2018;
- **Giving greater power to the Canadian Coast Guard** to intervene directly to prevent marine incidents such as where ship operators have been reluctant to act; and
- **Undertaking engagement and policy analysis to inform a proposal for a seamless, integrated response regime** that goes beyond ship-source oil pollution and includes all marine pollution from all sources.

## 7. LIABILITY AND COMPENSATION

The *Marine Liability Act* is the principal legislation dealing with liability and compensation in the event of pollution damage from a ship. Its intent is to establish uniform rules that are consistent with international law and that balance the interests of ship-owners and other parties involved in a maritime accident.

The *Marine Liability Act* is based on the polluter-pays principle and there are various tiers of compensation available from multiple sources. The *Marine Liability Act* incorporates both international conventions to which Canada is party, and domestic compensation provisions, and provides for various levels of liability, depending on the type of oil causing the pollution damage and the type of vessel involved in an incident.

The fundamental principles underlying the liability and compensation regime are:

- Consistent international rules given marine shipping's global nature;
- Sharing the financial burden of compensation between ship-owners and cargo owners;
- Compensation is provided for reasonable and justifiable costs and losses that are proportionate to the pollution or threat thereof;
- Compensation is provided to quantifiable and actual costs and losses incurred with a direct link of causation to the pollution;



- Equal treatment of all claimants; and,
- Prompt and adequate compensation for all claimants.

Generally, ship-owners are strictly liable for costs, losses or damage related to a discharge or threat of discharge from their ship. The international marine community has adopted a number of conventions at the International Maritime Organization that govern ship-owner liability and that create international compensation funds. Canada is party to four international conventions that are implemented in the *Marine Liability Act*:

- *International Convention of Civil Liability for Oil Pollution Damage, 1992*. Which establishes strict liability for the ship-owner, compulsory insurance, and limits to the ship-owner's liability. There are 137 state parties to this convention.
- *International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992*. Which creates an international compensation fund (the 1992 Fund) to provide compensation above and beyond the ship-owner's liability. There are 115 state parties to this convention.
- *Protocol of 2003 to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992*. Which creates an optional Supplementary Fund for compensation in addition to the ship-owner's liability and the 1992 Fund. There are 31 state parties to this protocol.
- *International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001* (Bunkers Convention). Which establishes strict liability for the ship-owner, compulsory insurance certified by state parties and limits to the ship-owner's liability. There are 88 state parties to this Convention.

The ship-owner is always held first and foremost strictly liable, with no need to prove fault or negligence. This liability is limited in accordance with the tonnage of the tanker involved in the incident (maximum of approximately \$165 million) with compulsory insurance for the ship-owner to cover their liability.

The international compensation funds provide compensation in the case when the ship-owner is not liable, unable to meet their liability or the damage surpasses their limit of liability. The total amount of compensation available for a tanker spill is \$1.35 billion for a single incident (inclusive of the ship-owner's liability).

Canada's domestic *Ship-Source Oil Pollution Fund* was established in 1973 as the first domestic fund in the world providing additional coverage for oil spills. The *Ship-Source Oil Pollution Fund* provides compensation for *all* types of oil from *all* types of ships in Canada. The *Ship-Source Oil Pollution Fund* also covers marine mystery spills (i.e., spill from an unidentified source). The *Ship-Source Oil Pollution Fund* was originally constituted by levies imposed on oil receivers and shippers in Canada. The *Ship-Source Oil Pollution Fund* has since grown as a result of monthly interest payments to approximately \$409 million as of April 1, 2017. The current per-incident limit of liability of the *Ship-Source Oil Pollution Fund* is approximately \$171 million (adjusted annually for inflation), when added to the total coverage, it translates into approximately \$1.5B for a spill involving a tanker.

The *Ship-Source Oil Pollution Fund* is both a fund of last resort if claims are above and beyond the ship-owner's liability, and of first resort if the claim can be filed directly to the *Ship-Source Oil Pollution Fund* Administrator who will assess claims, make an offer of compensation, and once accepted, seek to recover the amount paid from the polluter or other responsible party. The types of damage covered include:

- Measures to prevent or minimize damage;
- Clean-up and containment costs;
- Property damage; and
- Environmental damage limited to loss of profit, post-spill studies and costs of reasonable measures of reinstatement undertaken or to be undertaken.

Economic losses, such as in the fisheries and tourism sectors or subsistence fishing and harvesting, may also be covered.

Generally, all claims for compensation follow the following criterion:

- Any expense, loss or damage must actually have been incurred;
- Any expense must relate to measures that are considered reasonable and justifiable;
- Any expense, loss or damage is compensated only if and to the extent that it can be considered as caused by contamination resulting from the spill;
- There must be a reasonably close link of causation between the expense, loss or damage covered by the claim and the contamination caused by the spill;
- A claimant is entitled to compensation only if he or she has suffered a quantifiable economic loss;
- A claimant has to prove the amount of his or her expense, loss or damage by producing appropriate documents or other evidence.

Under the Oceans Protection Plan, the Government of Canada is making major improvements to the *Ship-Source Oil Pollution Fund* to ensure unlimited industry funded compensation is made available to those affected by ship-source spills. Specifically, these proposed changes include:

- Removing the limit of liability on the *Ship-Source Oil Pollution Fund* to allow for an unlimited amount of compensation for eligible losses and damage with a guaranteed fund top-up;
- Ensuring the ability to recover from industry through a modernized levy mechanism in the unlikely event that the *Ship-Source Oil Pollution Fund* is depleted;
- Aligning with the international regime to ensure coverage to prevent or minimize economic losses, such as in the fisheries or tourism sectors;
- Providing emergency funding to the federal incident commander and to responders under the direction of the federal incident commander when responding to a significant incident; and,
- Instituting a fast-track system for small claims to the *Ship-Source Oil Pollution Fund* in order to reduce administrative burdens and facilitate prompt compensation.

In 2014, Canada adopted amendments to the *Marine Liability Act* to implement in law a new international convention that addresses liability and compensation for incidents involving hazardous and noxious substances.

The *International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 2010* will establish a new liability and compensation regime covering all hazardous and noxious substances carried in bulk or in containers. This includes strict liability for the ship-owner with compulsory insurance and the creation of a new international compensation fund made up of contributions from receivers of bulk hazardous and noxious substances in state parties. The total amount available would be approximately \$450 million for a single incident.



## GOVERNMENT OF CANADA ACTIVITIES RELATED TO SPILL MANAGEMENT

### PURPOSE

The Government of Canada makes the following submission in response to British Columbia's Policy Intentions Paper for Engagement: Phase Two Enhancements to Spill Management in British Columbia, because the paper does not make detailed reference to the robust existing federal safety regimes, the long-standing scientific expertise, and significant recent investments made by the Government of Canada related to spill management. This submission outlines the full suite of federal activities in this sphere, to provide Canadians with a complete and accurate picture of spill management in Canada, and to allow a full understanding of the world-leading federal regimes that are well established, and where federal jurisdiction is clear.

~~The Government of Canada is very interested in, and supports British Columbia's ongoing efforts, through its Policy Intentions Paper for Engagement: Phase Two Enhancements to Spill Management in British Columbia, to close gaps in the provincial prevention and response systems and explore how, within its own jurisdiction, the province can enhance efforts to protect our waters and coastal communities.~~

~~The British Columbia consultations paper does not make detailed reference to the existing federal safety regimes, the long-standing expertise, and recent investments made by the Government of Canada related to spill management. This document outlines the full suite of federal activity in this sphere, to provide Canadians with a complete picture of spill management in Canada, and to allow full understanding of the world-leading federal regimes that are well established, and where federal jurisdiction is clear.~~

### FEDERAL SYSTEMS OVERVIEW

Canada is a trading nation, and our coastlines and transportation systems are essential to the prosperity of our economy. The Government of Canada believes that Canadians want and deserve a clean environment and a strong economy. It also recognizes the importance of infrastructure development, including pipelines, to access new and growing markets for our natural resources and has been clear that this should be done in a safe and sustainable manner that protects Canada's rich environment, respects the rights and treaties of Indigenous Peoples of Canada, and supports the competitiveness of our natural resource industries.

Canada has world-leading regimes for prevention, preparedness and response, and liability and compensation for the transportation of petroleum and other products, as well as clear jurisdiction for interprovincial pipelines, and rail and marine transportation. The current railway, marine, and pipeline regimes are robust and continue to be advanced and improved and include comprehensive liability and compensation systems to minimize impacts on Canadians, ensure they are protected from costs and damages, and that the environment is protected.

These regimes are supported by extensive scientific research that enables evidence-based decision making. The federal government has been undertaking oil spill and response research for over 35 years, and has stepped up this scientific work over the past decade. Through a significant body of peer-reviewed research, Canada has advanced overall understanding of the fate and behaviour of petroleum products in ocean and fresh water, including diluted bitumen.

Further, the Government of Canada is committed to the ongoing improvement of the federal regimes. For example, the historic investment of \$1.5 billion in the national Oceans Protection Plan demonstrates the commitment to world-leading marine safety (with both prevention and response measures) and the protection of our vital coastal ecosystems, as well as further science and research investments. Similarly, the recent measures enacted under the *Pipeline Safety Act* and amendments to the *National Energy Board Act* demonstrate the commitment to world-leading pipeline safety. As does Canada's commitment of \$65 million in new funding (over five years) to support activities and priorities of the Indigenous Advisory and Monitoring Committee for the Trans Mountain Expansion project, which provides a mechanism for Indigenous communities to provide advice to federal regulators, and participate in the monitoring of the existing line, the expansion project, and the associated marine shipping.

The world-leading federal regimes, and related ongoing investments, have allowed Canada to maintain the highest standards to protect Canadians from spills of petroleum and other products. On land, where gaps in the provincial system are identified, it will be essential for British Columbia to ensure alignment with federal jurisdiction for interprovincial railways, the transportation of dangerous goods, and interprovincial pipelines to avoid unnecessary duplication between regimes, and, most importantly, to minimize the risk of confusion among regulated parties, responders and stakeholders which could compromise spill response and undermine public confidence.

In the marine sector, where Canada's strong marine safety system and federal jurisdiction are clear – and fully aligned with our international obligations – we welcome British Columbia's efforts where the land and water regimes interface and where the province has identified gaps in its provincial system.

It is essential that British Columbia's proposal not impair Canada's jurisdiction in these areas or conflict in any way with the federal regime. The Government of Canada will continue to exercise its jurisdiction for interprovincial railways, the transportation of dangerous goods, interprovincial pipelines, and the marine sector in a way that considers the benefits to Canadians across the country. The Government of Canada is unequivocal that, while British Columbia can legislate to ensure its provincial interests are addressed, any provincial regulation or legislation enacted by British Columbia needs to respect federal jurisdiction.

## **OIL SPILL RESPONSE SCIENCE AND RESEARCH**

Collectively, the Government of Canada has dedicated approximately fifty scientists, technologists, chemists and engineers in four major programs to study oil spill behaviour and recovery technologies. The Government continues to be active in this space and can engage British Columbia by facilitating the dialogue and increasing their knowledge on current research findings.

The Government of Canada has been undertaking oil spill response science and research for decades, and has contributed to an extensive peer-reviewed body of knowledge related to oil spill science. Federal investments in this area have focused on increasing the collective ability to provide scientific advice for preparedness and response activities related to spilled petroleum products (both conventional and non-conventional). In 2016, the Oceans Protection Plan strengthened these investment further, through science and research on improving the security

of transport of oil products, spill recovery and responses, and by focusing research on the fate, behaviour and effects of various oil products in different spill conditions and under extreme Canadian climates.

Since 2012, the Government of Canada has been conducting studies to determine the fate, behaviour, potential impacts, and effectiveness of response techniques on a variety of heavy oil products. We continue to increase our investments in science and research initiatives aimed at improving the safe transport of oil products, spill recovery, and response. In particular, research on the behaviour of diluted bitumen expanded substantially, and this work is continuing with further investments under the Oceans Protection Plan. This research has ranged from lab-scale and pilot-scale tests of oil spill behaviour to field trials and evaluations of response technology. Findings have shown that diluted bitumen behaviour falls within the range of conventional oil products and so conventional mechanical recovery methods have been found effective, especially in the initial stages of a spill.

It is important that spill responders have the information needed to predict the evolution of the spill, determine the best response plan, and be equipped with effective spill response technologies. Lastly, they need to understand the impacts on the environment in order to focus longer-term environmental remediation efforts. The research, in progress since 2013, is addressing these needs.

Federal scientists have published or presented over sixty papers on diluted bitumen science in peer-reviewed ~~for a~~ for a since 2012. They have informed decisions for major projects, such as oil transportation via oil tankers, pipelines and rail. Research undertaken by federal government scientists has improved our understanding of the fate and behaviour of a number of diluted bitumen products should they spill into marine or fresh waters. This research has contributed to an increased understanding of issues such as the physical and chemical properties of fresh and weathered diluted bitumen, interactions with sediments and shoreline materials, the applicability of certain countermeasures to respond to diluted bitumen spills as well as shoreline characterization and penetration and retention of diluted bitumen on shorelines.

Additionally, a synthesis of the Knowledge of the Fate and Behaviour of Diluted Bitumen in Aquatic Ecosystems has recently been undertaken through Fisheries and Oceans Canada's scientific peer review process, the Canadian Science Advisory Secretariat (<http://www.dfo-mpo.gc.ca/csas-sccs/index-eng.htm>). This document provides an analysis of the state of the science in this area.

Most importantly, through this ongoing work, we can improve our predictions of the fate and behaviour of spilled petroleum products (both conventional and non-conventional), and to better understand the effectiveness of specific response tools. This knowledge, coupled with hydrodynamic models, can help predict what can happen to the oil when spilled, thereby informing oil spill contingency planning, environmental assessments and monitoring. This knowledge is also used by spill response personnel to place equipment strategically to protect vulnerable shorelines and to guide responders in determining the best response plans and most effective spill response technologies.

More information is provided in *Chapter 1 – Oil Spill Response Science and Research* and accompanying Annex – Understanding Spills of Diluted Bitumen into Aqueous Environments

## FEDERAL REGIMES RELATED TO PREVENTION AND RESPONSE

The *Railway Safety Act*, the *Pipeline Safety Act*, the *National Energy Board Act*, the *Canada Shipping Act, 2001*, the *Marine Liability Act*, the *Fisheries Act*, as well as the *Canadian Environmental Protection Act, 1999*, establish a comprehensive world-leading federal regime in Canada related to the transportation of petroleum and other products.

The highest safety and security standards are in place in all modes of transportation to prevent incidents and accidents, while enabling rapid, science-based planning and response actions in the unlikely event of a spill.

This robust federal system is built on the "polluter pays" principle, whereby the industry transporting the product is responsible for costs related to cleanup and pollution damage. Further, a world-leading suite of liability and compensation measures is in place, addressing activities under federal jurisdiction and protecting Canadians from damages and costs associated with spills.

### Marine Sector

The national ship-source oil spill regime is comprised of three key areas: prevention, preparedness and response, and liability and compensation. This world-leading regime has its foundation in international obligations and is built on international and domestic cooperation and standards. Transport Canada is the regulator responsible for ensuring the regime is comprehensive and aligned with other transportation regimes across the country and internationally. The Canadian Coast Guard is the on-water operator to ensure responses to marine incidents are effective, efficient and appropriate. Fisheries and Oceans Canada, Environment and Climate Change Canada and Natural Resources Canada provide the scientific expertise to support the system. Through new legislation and major investments, such as the Oceans Protection Plan, the Government of Canada is dramatically strengthening this already robust regime.

The more than 100 regulations, 30 acts and international agreements and commitments that make up Canada's marine safety regime, are first and foremost focused on preventing accidents from occurring. Canada's robust inspection and oversight regime, as well as clearly defined compulsory marine pilotage areas, that ensure Canadian pilots familiar with local waters and appropriate travelling speeds are onboard transiting vessels, are ways in which the federal regime keeps marine incidents from occurring.

Canada also has clear requirements related to response planning. Ship-owners are required to have plans in place which detail their response efforts should an on-water spill occur and are also responsible for having agreements with certified Response Organization who provide oil spill response services on behalf of the polluter. These plans, certified by Transport Canada, include the identification of their Geographic Area of Response, and the response capacity.

Should the polluter be unable, unwilling or unknown, the Canadian Coast Guard through its robust Environmental Response and Incident Management regimes, will assume command of the situation and manage effectively and efficiently to ensure an appropriate response to the

incident. The Government of Canada is investing in the Canadian Coast Guard with the Oceans Protection Plan to further enhance our ability to respond to oil spills. This includes adding two new emergency towing vessels in the West Coast, building four new lifeboat stations in the West Coast, buying state-of-the-art equipment, and training more people to protect British Columbia's coastline.

Similar to the other systems in Canada, the ship-source oil spill response system is built on the "polluter pays" principle making polluters responsible for spills in Canadian waters and ensuring they have the resources in place to cover their obligations. The Government of Canada continues to make improvements to the *Ship-Source Oil Pollution Fund* to ensure unlimited industry-funded compensation is made available to those affected by ship-source and mystery-source spills. This ensures maximum financial protection for taxpayers and makes it one of the most robust and comprehensive systems in the world.

More information is provided in *Chapter 2 – Marine Regime Related to Spill Management*.

## **Railways and Surface Transportation**

Under the *Railway Safety Act*, railway companies are responsible for the safety of their rail line infrastructure, railway equipment, and operations. This includes ongoing inspections, testing, and maintenance programs in accordance with regulatory requirements, as well as any particular operating and environmental conditions.

Transport Canada's role is to monitor railway companies for compliance with rules, regulations, and standards through audits and safety inspections. The department conducts approximately 33,000 oversight activities, including audits and inspections every year.

The Government of Canada has made significant and dramatic improvements to the regime in recent year, notably since the Lac-Mégantic. Taking concrete steps to strengthen the rail safety regime in Canada through regulatory and legislative reform, including increasing the amount of inspections; lowering speed limits on trains transporting dangerous goods through municipalities; implementing requirements which provide municipalities with information about dangerous goods travelling through their communities; introducing new rules on train securement; new tank car regulations; and, providing the Minister of Transport and inspectors new powers to order railway companies to take corrective measures when safety is found to be an issue.

Canada's rail liability and compensation regime is already robust, and establishes important measures such as minimum levels of insurance for rail operators, up to \$1B for railways carrying substantial amounts of specified dangerous goods. This world leading regime is supplemented by the *Fund for Railway Accidents Involving Designated Goods* which has no limits.

In addition to railway safety, the Government of Canada has a robust compliance and response program that requires dangerous goods to be properly classified and transported in the appropriate means of containment. The program sets out the parameters for *Emergency Response Assistance Plans* for anyone transporting or importing dangerous goods in a quantity or concentration that is specified by regulation, which includes petroleum and other products.

The Government of Canada continues to work to strengthen its oversight and preparedness program for dangerous goods, including through recent regulatory amendments.

More information is provided in *Chapter 3 – Railways and Transportation Regime Related to Spill Management*.

## **Pipelines**

Canada now has one of the most rigorous and effective pipeline safety systems in the world. Pipelines are the safety means of transporting all oil types, including conventional and non-conventional. While our primary objective is incident prevention, we have also established a world leading preparedness and response system and a comprehensive liability and compensation regime to ensure that Canadians are protected from costs and damages and that the environment is protected in the event of a spill. Many of these measures were introduced as part of the *Pipeline Safety Act* which holds industry to among the highest standards.

Creating a culture focused on safety and prevention of incidents is paramount. We have updated and strengthened rules relating to activities around pipelines to prevent incidents; implemented Administrative Monetary Penalties; and, made public information on the use of best available technologies in pipeline construction and operations.

On preparedness and response, we have set out clear and comprehensive regulatory requirements supported by rigorous regulatory oversight. Companies must have a comprehensive Emergency Management Program in place that includes consideration of potential effects on any potentially impacted area (e.g., marine and freshwater environments). The National Energy Board can also establish requirements for a Geographic Response Plan. Companies must involve local communities, including Indigenous communities and first responders in planning and operations.

The *Pipeline Safety Act* enshrines the “polluter pays” principle in law so that polluters, not Canadian taxpayers, are financially responsible for the costs and damages they cause. Companies are responsible for all actual losses or damages incurred by any person; costs incurred by government (federal or provincial) or any Indigenous governing body; as well as costs associated with the loss of non-use values which consists of public resources such as a national park or eco-system.

In addition, federally-regulated pipeline companies will be automatically responsible, up to set limits, no matter who or what causes an incident. For operators of major oil pipelines, this is set at \$1 billion (limits for other companies to be set out in regulations). This means no determination of fault or negligence is required before action is taken to respond to a spill. Companies must also prove they have the financial resources to match their liability. In an exceptional circumstance where a company is unable or unwilling to respond to an incident, the National Energy Board would have the authority to take over control if the Governor in Council agrees. Any costs would be 100% cost-recovered from industry.

A concrete demonstration of the Government of Canada's commitment to safe and secure pipeline operations is federal approval of the Trans Mountain Expansion Project that was subject to over 150 conditions. For example, Trans Mountain is required to consider response

**Government of Canada Activities Related to Spill Management**  
*British Columbia's Policy Intentions Paper for Engagement*

**DRAFT**

April 13<sup>47</sup>, 2018

times and geographic response plans; to file updates to its Emergency Management Program; to file an Emergency Preparedness and Response Exercise and Training Program; and, to complete a full-scale emergency response exercise for specific scenarios. The National Energy Board's exercise evaluations will be made publically available on its website.

More information is provided in *Chapter 4 – Pipeline Regime Related to Spill Management*.

The Government of Canada takes its responsibilities seriously to ensure a strong economy and a clean environment go hand-in-hand for the benefit of all Canadians. Canada is internationally recognized as a sound place to invest, and getting our resources to global markets is critical for creating good middle-class jobs. We stand by our commitments to British Columbians and all Canadians have the environment and our coasts protected by our world-leading regimes and to improve them by implementing further world-leading measures. The prevention, preparedness, response, liability and compensation measures that we have advanced ensure that Canada maintains the highest safety and security standards in all modes of transportation.



**Schwark, Valerie**

---

**From:** Morel, Philippe  
**Sent:** April-18-18 3:30 PM  
**To:** Blewett, Catherine; Stringer, Kevin  
**Cc:** Reid, Rebecca; Hubley, Marian; Lamar, Anne; Marquis, Hélène; Kahn, Zoe  
**Subject:** TMX - Potential non-compliance with Fisheries Act Authorization Conditions for Westridge Marine Terminal Expansion

Catherine,  
FYI

Region informed us of a of potential non-compliance with conditions of the *Fisheries Act* authorization issued to Trans Mountain Pipeline in September 2017. The potential non-compliance issue relates to failure of the proponent to maintain a marine mammal exclusion zone per the conditions of the Authorization to ensure that marine mammals are not exposed to underwater noise levels during impact pile driving.

The report was provided to the Monitoring Committee on which community and indigenous representative are present. Staff in region is seeking additional information to validate if non compliance occurred or not. Reports are complicated and do not explicitly mention that non-compliance occurred. The monitoring committee is certainly analyzing the info and may seek info from DFO or make public comments.

Team is working on media lines.

We will keep you informed

Philippe

Mofre details provided by region is below:

- On April 3, 2018, DFO became aware a of potential non-compliance with conditions of the *Fisheries Act* authorization issued to Trans Mountain Pipeline ULC (the Proponent) in September 2017 for expansion of the Westridge Marine Terminal in Burrard Inlet.
- The potential non-compliance issue relates to failure of the proponent to maintain a marine mammal exclusion zone per the conditions of the Authorization to ensure that marine mammals (e.g., Harbor porpoise, Southern resident killer whale, Steller sea lion) are not exposed to underwater noise levels during impact pile driving that may adversely impact the behaviour of these mammals.
- The conditions of the Authorization require that the Proponent expand the marine mammal exclusion zone beyond the 1 km boundary specified in the Authorization when sound levels exceed the 160 dB threshold. The Proponent's monitoring reports reviewed by DFO demonstrate that pile driving activities exceeded this threshold on January 12, 2018, and subsequently on February 17, 2018 however, the exclusion zone was not expanded as required in the Authorization until this second exceedance was observed. During this time period, impact pile driving activities were occurring, and a marine mammal observer was on-site conducting visual monitoring for marine mammals within the 1 km boundary.
- The TMX Indigenous and Advisory Monitoring Committee (IAMC) receives the same monitoring reports from the Proponent as DFO, and may become aware of these exceedances and the potential non-compliance with the conditions of the *Fisheries Act* Authorization.
- DFO is currently seeking additional clarification from the Proponent regarding the events associated with the potential non-compliance.



- Should the results of communications with the Proponent demonstrate that non-compliance did indeed occur, a warning letter to the Proponent is recommended as a follow-up action.

**Alston Bonamis**

A/ Team Lead, Fisheries Protection Program  
Ecosystem Management Branch  
Fisheries and Oceans Canada / Government of Canada  
[alston.bonamis@dfo-mpo.gc.ca](mailto:alston.bonamis@dfo-mpo.gc.ca) / Tel: 604-340-3359

Chef d'équipe, Programme de la protection des pêches  
Direction des écosystèmes  
Pêches et Océans Canada / Gouvernement du Canada  
[alston.bonamis@dfo-mpo.gc.ca](mailto:alston.bonamis@dfo-mpo.gc.ca) / Tél. : 604-340-3359

## Morel, Philippe

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**De:** Marquis, Hélène  
**Envoyé:** 18 avril 2018 16:58  
**À:** Morel, Philippe  
**Cc:** Richter, Julie; Lagace, Émilie; Gordanier, Tania  
**Objet:** TR: TMX - Potential non-compliance with Fisheries Act Authorization Conditions for Westridge Marine Terminal Expansion

Philippe - PTI

**De :** Crance, Colin  
**Envoyé :** 18 avril 2018 16:50  
**À :** Marquis, Hélène <Helene.Marquis@dfo-mpo.gc.ca>  
**Cc :** Robertson, Carrie <Carrie.Robertson@dfo-mpo.gc.ca>; Gordanier, Tania <Tania.Gordanier@dfo-mpo.gc.ca>  
**Objet :** FW: TMX - Potential non-compliance with Fisheries Act Authorization Conditions for Westridge Marine Terminal Expansion

Hélène – Please see the status update provided by the region with respect to the potential Trans Mountain non-compliance. This summarizes the issue as it stands now.

I have been in touch with the region to confirm estimated timelines for seeking clarification from the proponent.

Colin Crance  
Coordinator – Major Projects | Coordonnateur des grands projets  
Fisheries Protection Program | Programme de protection des pêches  
Fisheries and Oceans Canada | Pêches et Océans Canada  
10N163 - 200 rue Kent Street, Ottawa, Ontario, K1A0E6  
[colin.crance@dfo-mpo.gc.ca](mailto:colin.crance@dfo-mpo.gc.ca)  
Telephone: 613-762-7270

**From:** Bonamis, Alston  
**Sent:** April 18, 2018 4:32 PM  
**To:** Reid, Rebecca; Webb, Cheryl  
**Cc:** Sandgathe, Tracey L; Crance, Colin  
**Subject:** TMX - Potential non-compliance with Fisheries Act Authorization Conditions for Westridge Marine Terminal Expansion

Hello Rebecca and Cheryl,

Tracey asked that I send this email to you both directly. Below is a short briefing:

- On April 3, 2018, DFO became aware of potential non-compliance with conditions of the *Fisheries Act* authorization issued to Trans Mountain Pipeline ULC (the Proponent) in September 2017 for expansion of the Westridge Marine Terminal in Burrard Inlet.
- The potential non-compliance issue relates to failure of the proponent to maintain a marine mammal exclusion zone per the conditions of the Authorization to ensure that marine mammals (e.g., Harbor porpoise, Southern resident killer whale, Steller sea lion) are not exposed to underwater noise levels during impact pile driving that may adversely impact the behaviour of these mammals.

- The conditions of the Authorization require that the Proponent expand the marine mammal exclusion zone beyond the 1 km boundary specified in the Authorization when sound levels exceed the 160 dB threshold. The Proponent's monitoring reports reviewed by DFO demonstrate that pile driving activities exceeded this threshold on January 12, 2018, and subsequently on February 17, 2018 however, the exclusion zone was not expanded as required in the Authorization until this second exceedance was observed. During this time period, impact pile driving activities were occurring, and a marine mammal observer was on-site conducting visual monitoring for marine mammals within the 1 km boundary.
- The TMX Indigenous and Advisory Monitoring Committee (IAMC) receives the same monitoring reports from the Proponent as DFO, and may become aware of these exceedances and the potential non-compliance with the conditions of the *Fisheries Act* Authorization.
- DFO is currently seeking additional clarification from the Proponent regarding the events associated with the potential non-compliance.
- Should the results of communications with the Proponent demonstrate that non-compliance did indeed occur, a warning letter to the Proponent is recommended as a follow-up action.

#### **Alston Bonamis**

A/ Team Lead, Fisheries Protection Program  
Ecosystem Management Branch  
Fisheries and Oceans Canada / Government of Canada  
[alston.bonamis@dfo-mpo.gc.ca](mailto:alston.bonamis@dfo-mpo.gc.ca) / Tel: 604-340-3359

Chef d'équipe, Programme de la protection des pêches  
Direction des écosystèmes  
Pêches et Océans Canada / Gouvernement du Canada  
[alston.bonamis@dfo-mpo.gc.ca](mailto:alston.bonamis@dfo-mpo.gc.ca) / Tél. : 604-340-3359

## Morel, Philippe

---


**De:** Morel, Philippe  
**Envoyé:** 18 avril 2018 18:20  
**À:** Reid, Rebecca  
**Objet:** RE: TMX - Potential non-compliance with Fisheries Act Authorization Conditions for Westridge Marine Terminal Expansion

ok

**De :** Reid, Rebecca  
**Envoyé :** 18 avril 2018 18:16  
**À :** Morel, Philippe <Philippe.Morel@dfo-mpo.gc.ca>  
**Objet :** RE: TMX - Potential non-compliance with Fisheries Act Authorization Conditions for Westridge Marine Terminal Expansion

If you don't mind? I am just heading out to airport.

RR

Rebecca Reid  
Regional Director General/ Directrice générale régionale  
Fisheries and Oceans Canada - Pacific Region/ Pêches et Océans Canada - Région du Pacifique  
200-401 Burrard Street / 401, rue Burrard, bureau 200  
Vancouver, BC/CB V6C 3S4  
Office / Téléphone: 604-666-6098  
Cell / Cellulaire:   
E-mail/ Courriel: [rebecca.reid@dfo-mpo.gc.ca](mailto:rebecca.reid@dfo-mpo.gc.ca)

**From:** Morel, Philippe  
**Sent:** Wednesday, April 18, 2018 3:02 PM  
**To:** Reid, Rebecca <[Rebecca.Reid@dfo-mpo.gc.ca](mailto:Rebecca.Reid@dfo-mpo.gc.ca)>  
**Subject:** RE: TMX - Potential non-compliance with Fisheries Act Authorization Conditions for Westridge Marine Terminal Expansion

I am  
Did you briefed up or I can

philippe

**De :** Reid, Rebecca  
**Envoyé :** 18 avril 2018 17:42  
**À :** Morel, Philippe <[Philippe.Morel@dfo-mpo.gc.ca](mailto:Philippe.Morel@dfo-mpo.gc.ca)>  
**Objet :** FW: TMX - Potential non-compliance with Fisheries Act Authorization Conditions for Westridge Marine Terminal Expansion

Philippe – just want to be sure you are aware. More to follow.

Rebecca Reid  
Regional Director General/ Directrice générale régionale  
Fisheries and Oceans Canada - Pacific Region/ Pêches et Océans Canada - Région du Pacifique  
200-401 Burrard Street / 401, rue Burrard, bureau 200  
Vancouver, BC/CB V6C 3S4  
Office / Téléphone: 604-666-6098  
Cell / Cellulaire: [REDACTED]  
E-mail/ Courriel: [rebecca.reid@dfo-mpo.gc.ca](mailto:rebecca.reid@dfo-mpo.gc.ca)

**From:** Bonamis, Alston  
**Sent:** Wednesday, April 18, 2018 1:32 PM  
**To:** Reid, Rebecca <[Rebecca.Reid@dfo-mpo.gc.ca](mailto:Rebecca.Reid@dfo-mpo.gc.ca)>; Webb, Cheryl <[Cheryl.Webb@dfo-mpo.gc.ca](mailto:Cheryl.Webb@dfo-mpo.gc.ca)>  
**Cc:** Sandgathe, Tracey L <[Tracey.Sandgathe@dfo-mpo.gc.ca](mailto:Tracey.Sandgathe@dfo-mpo.gc.ca)>; Crance, Colin <[Colin.Crance@dfo-mpo.gc.ca](mailto:Colin.Crance@dfo-mpo.gc.ca)>  
**Subject:** TMX - Potential non-compliance with Fisheries Act Authorization Conditions for Westridge Marine Terminal Expansion

Hello Rebecca and Cheryl,

Tracey asked that I send this email to you both directly. Below is a short briefing:

- On April 3, 2018, DFO became aware of potential non-compliance with conditions of the *Fisheries Act* authorization issued to Trans Mountain Pipeline ULC (the Proponent) in September 2017 for expansion of the Westridge Marine Terminal in Burrard Inlet.
- The potential non-compliance issue relates to failure of the proponent to maintain a marine mammal exclusion zone per the conditions of the Authorization to ensure that marine mammals (e.g., Harbor porpoise, Southern resident killer whale, Steller sea lion) are not exposed to underwater noise levels during impact pile driving that may adversely impact the behaviour of these mammals.
- The conditions of the Authorization require that the Proponent expand the marine mammal exclusion zone beyond the 1 km boundary specified in the Authorization when sound levels exceed the 160 dB threshold. The Proponent's monitoring reports reviewed by DFO demonstrate that pile driving activities exceeded this threshold on January 12, 2018, and subsequently on February 17, 2018 however, the exclusion zone was not expanded as required in the Authorization until this second exceedance was observed. During this time period, impact pile driving activities were occurring, and a marine mammal observer was on-site conducting visual monitoring for marine mammals within the 1 km boundary.
- The TMX Indigenous and Advisory Monitoring Committee (IAMC) receives the same monitoring reports from the Proponent as DFO, and may become aware of these exceedances and the potential non-compliance with the conditions of the *Fisheries Act* Authorization.
- DFO is currently seeking additional clarification from the Proponent regarding the events associated with the potential non-compliance.
- Should the results of communications with the Proponent demonstrate that non-compliance did indeed occur, a warning letter to the Proponent is recommended as a follow-up action.

**Alston Bonamis**

A/ Team Lead, Fisheries Protection Program  
Ecosystem Management Branch  
Fisheries and Oceans Canada / Government of Canada  
[alston.bonamis@dfo-mpo.gc.ca](mailto:alston.bonamis@dfo-mpo.gc.ca) / Tel: 604-340-3359

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[alston.bonamis@dfo-mpo.gc.ca](mailto:alston.bonamis@dfo-mpo.gc.ca) / Tél. : 604-340-3359

**Longtin, Jean**

---

**From:** Blewett, Catherine  
**Sent:** April-18-18 7:35 AM  
**To:** Stringer, Kevin  
**Subject:** Fw: Urgent - [REDACTED]

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

s.20(1)(d)

s.21(1)(a)

s.21(1)(b)

Sent from my BlackBerry 10 smartphone on the Rogers network.

Original Message

From: Blewett, Catherine <Catherine.Blewett@dfo-mpo.gc.ca>

Sent: Tuesday, April 17, 2018 10:32 PM

To: Keenan, Michael; Fox, Christiane; Laurendeau, Hélène (AADNC/AANDC); O'Leary, Alison; Wild, Joe (AADNC/AANDC); Tremblay, Christyne (NRCAN/RNCAN); Lucas, Stephen (EC); Tapley, Catrina; Yaskiel, Ava (FIN)

Cc: Rascanin, Natasha; Dick, Robert

Subject: Re: Urgent - [REDACTED]

Thanks Mike. Checking with Minister LeBlanc's office re#1.

C

Sent from my BlackBerry 10 smartphone on the Rogers network.

Original Message

From: Keenan, Michael

Sent: Tuesday, April 17, 2018 10:03 PM

To: Fox, Christiane; Laurendeau, Hélène (AADNC/AANDC); O'Leary, Alison; Wild, Joe (AADNC/AANDC); Tremblay, Christyne (NRCAN/RNCAN); Lucas, Stephen (EC); Blewett, Catherine; Tapley, Catrina; Yaskiel, Ava (FIN)

Cc: Rascanin, Natasha; Dick, Robert

Subject: RE: Urgent - [REDACTED]

Michael

-----Original Message-----

From: Fox, Christiane [<mailto:Christiane.Fox@pco-bcp.gc.ca>]  
Sent: Tuesday, April 17, 2018 9:43 PM  
To: Laurendeau, Hélène (AADNC/AANDC) <[helene.laurendeau@canada.ca](mailto:helene.laurendeau@canada.ca)>; Keenan, Michael <[Michael.Keenan@tc.gc.ca](mailto:Michael.Keenan@tc.gc.ca)>; O'Leary, Alison <[Alison.O'Leary@pco-bcp.gc.ca](mailto:Alison.O'Leary@pco-bcp.gc.ca)>; Wild, Joe (AADNC/AANDC) <[joe.wild@canada.ca](mailto:joe.wild@canada.ca)>; Tremblay, Christyne (NRCAN/RNCAN) <[christyne.tremblay@canada.ca](mailto:christyne.tremblay@canada.ca)>; Lucas, Stephen (EC) <[stephen.lucas@canada.ca](mailto:stephen.lucas@canada.ca)>; 'Catherine Blewett' <[Catherine.Blewett@dfo-mpo.gc.ca](mailto:Catherine.Blewett@dfo-mpo.gc.ca)>; Tapley, Catrina <[Catrina.Tapley@pco-bcp.gc.ca](mailto:Catrina.Tapley@pco-bcp.gc.ca)>; Yaskiel, Ava (FIN) <[ava.yaskiel@canada.ca](mailto:ava.yaskiel@canada.ca)>  
Cc: Rascanin, Natasha <[Natasha.Rascanin@tc.gc.ca](mailto:Natasha.Rascanin@tc.gc.ca)>; Dick, Robert <[Robert.Dick@tc.gc.ca](mailto:Robert.Dick@tc.gc.ca)>  
Subject: RE: Urgent - [REDACTED]

[REDACTED] Chris

-----Original Message-----

From: Laurendeau, Hélène (AADNC/AANDC) <[helene.laurendeau@canada.ca](mailto:helene.laurendeau@canada.ca)>  
Sent: April 17, 2018 8:33 PM  
To: Keenan, Michael (Ext.) <[michael.keenan@tc.gc.ca](mailto:michael.keenan@tc.gc.ca)>; Fox, Christiane <[Christiane.Fox@pco-bcp.gc.ca](mailto:Christiane.Fox@pco-bcp.gc.ca)>; O'Leary, Alison <[Alison.O'Leary@pco-bcp.gc.ca](mailto:Alison.O'Leary@pco-bcp.gc.ca)>; Wild, Joe (AADNC/AANDC) <[joe.wild@canada.ca](mailto:joe.wild@canada.ca)>; Tremblay, Christyne (NRCAN/RNCAN) <[christyne.tremblay@canada.ca](mailto:christyne.tremblay@canada.ca)>; Lucas, Stephen (EC) <[stephen.lucas@canada.ca](mailto:stephen.lucas@canada.ca)>; 'Catherine Blewett' <[Catherine.Blewett@dfo-mpo.gc.ca](mailto:Catherine.Blewett@dfo-mpo.gc.ca)>; Tapley, Catrina <[Catrina.Tapley@pco-bcp.gc.ca](mailto:Catrina.Tapley@pco-bcp.gc.ca)>; Yaskiel, Ava (FIN) <[ava.yaskiel@canada.ca](mailto:ava.yaskiel@canada.ca)>  
Cc: Rascanin, Natasha <[Natasha.Rascanin@tc.gc.ca](mailto:Natasha.Rascanin@tc.gc.ca)>; Dick, Robert <[Robert.Dick@tc.gc.ca](mailto:Robert.Dick@tc.gc.ca)>  
Subject: Re: Urgent - [REDACTED]

[REDACTED] s.20(1)(d)

Sent from my BlackBerry 10 smartphone on the Rogers network.

s.21(1)(a)

s.21(1)(b)

Original Message

From: Keenan, Michael (Ext.)  
Sent: mardi 17 avril 2018 7:59 PM  
To: Fox, Christiane; O'Leary, Alison; Laurendeau, Hélène (AADNC/AANDC); Wild, Joe (AADNC/AANDC); Tremblay, Christyne (NRCAN/RNCAN); Lucas, Stephen (EC); 'Catherine Blewett'; Tapley, Catrina; Yaskiel, Ava (FIN)  
Cc: Rascanin, Natasha; Dick, Robert  
Subject: Fw: Urgent - [REDACTED]

Colleagues

[REDACTED]  
Has anybody else seen this [REDACTED]

Michael Keenan  
Deputy Minister - Sous-ministre  
Transport Canada - Transports Canada  
1-613-990-4507  
[michael.keenan@tc.gc.ca](mailto:michael.keenan@tc.gc.ca)  
From: Little, Jennifer <[jennifer.little@tc.gc.ca](mailto:jennifer.little@tc.gc.ca)>



Sent: Tuesday, April 17, 2018 7:10 PM

To: Keenan, Michael; Pham, Thao

Subject: Urgent - [REDACTED]

s.20(1)(d)

s.21(1)(a)

s.21(1)(b)

Deputies -

[REDACTED]

Jennifer

## Winfield, Nicholas

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**From:** CAB / PARL (DFO/MPO)  
**Sent:** Monday, April 23, 2018 11:27 AM  
**To:** Marquis, H      ; Burns, Adam; Wheatley, Michelle  
**Cc:** Angus, Tim; Winfield, Nicholas; Pohjola, Erica  
**Subject:** [REDACTED]  
**Attachments:** [REDACTED]

H      /Nick, Adam, Michelle – [REDACTED]  
[REDACTED]

Please do not hesitate to contact me or Erica Pohjola if you require further information.

Thank you,

**Tim Angus**

Sr. Director Policy and Integration  
Strategic Policy Directorate | Direction des politiques strat  giques  
Fisheries and Oceans Canada | P       et Oc       Canada  
200 Kent Street | 200 rue Kent  
Ottawa, Ontario K1A 0E6  
[Tim.Angus@dfo-mpo.gc.ca](mailto:Tim.Angus@dfo-mpo.gc.ca)  
613-991-4842

s.69(1)(g) re: (a)

**Pages 232 to / à 234  
are withheld pursuant to section  
sont retenues en vertu de l'article**

**69(1)(a)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

## Galka, Stephanie

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**From:** Burns, Adam  
**Sent:** April-23-18 12:21 PM  
**To:** Angus, Tim; CAB / PARL (DFO/MPO); Marquis, Hélène; Wheatley, Michelle  
**Cc:** Winfield, Nicholas; Pohjola, Erica  
**Subject:** RE: [REDACTED]

[REDACTED]

s.69(1)(g) re: (a)

**From:** Angus, Tim  
**Sent:** April 23, 2018 11:29 AM  
**To:** CAB / PARL (DFO/MPO) <[CAB-PARL.XNCR@dfo-mpo.gc.ca](mailto:CAB-PARL.XNCR@dfo-mpo.gc.ca)>; Marquis, Hélène <[Helene.Marquis@dfo-mpo.gc.ca](mailto:Helene.Marquis@dfo-mpo.gc.ca)>; Burns, Adam <[Adam.Burns@dfo-mpo.gc.ca](mailto:Adam.Burns@dfo-mpo.gc.ca)>; Wheatley, Michelle <[Michelle.Wheatley@dfo-mpo.gc.ca](mailto:Michelle.Wheatley@dfo-mpo.gc.ca)>  
**Cc:** Winfield, Nicholas <[Nicholas.Winfield@dfo-mpo.gc.ca](mailto:Nicholas.Winfield@dfo-mpo.gc.ca)>; Pohjola, Erica <[Erica.Pohjola@dfo-mpo.gc.ca](mailto:Erica.Pohjola@dfo-mpo.gc.ca)>  
**Subject:** RE: [REDACTED]

All – [REDACTED]

**From:** CAB / PARL (DFO/MPO)  
**Sent:** Monday, April 23, 2018 11:27 AM  
**To:** Marquis, Hélène <[Helene.Marquis@dfo-mpo.gc.ca](mailto:Helene.Marquis@dfo-mpo.gc.ca)>; Burns, Adam <[Adam.Burns@dfo-mpo.gc.ca](mailto:Adam.Burns@dfo-mpo.gc.ca)>; Wheatley, Michelle <[Michelle.Wheatley@dfo-mpo.gc.ca](mailto:Michelle.Wheatley@dfo-mpo.gc.ca)>  
**Cc:** Angus, Tim <[Tim.Angus@dfo-mpo.gc.ca](mailto:Tim.Angus@dfo-mpo.gc.ca)>; Winfield, Nicholas <[Nicholas.Winfield@dfo-mpo.gc.ca](mailto:Nicholas.Winfield@dfo-mpo.gc.ca)>; Pohjola, Erica <[Erica.Pohjola@dfo-mpo.gc.ca](mailto:Erica.Pohjola@dfo-mpo.gc.ca)>  
**Subject:** [REDACTED]

Hélène/Nick, Adam, Michelle – [REDACTED]

Please do not hesitate to contact me or Erica Pohjola if you require further information.

Thank you,

**Tim Angus**  
Sr. Director Policy and Integration  
Strategic Policy Directorate | Direction des politiques stratégiques  
Fisheries and Oceans Canada | Pêches et Océans Canada  
200 Kent Street | 200 rue Kent  
Ottawa, Ontario K1A 0E6  
[Tim.Angus@dfo-mpo.gc.ca](mailto:Tim.Angus@dfo-mpo.gc.ca)  
613-991-4842

## Winfield, Nicholas

---

**From:** Marquis, H        
**Sent:** Monday, April 23, 2018 5:30 PM  
**To:** Winfield, Nicholas  
**Cc:** Gordanier, Tania; Lagace,       ; Stewart, Julie  
**Subject:** [REDACTED]  
**Attachments:** [REDACTED]

s.69(1)(g) re: (a)

**Importance:** High

Nick – FYI in case you didn’t receive it. [REDACTED]

Merci!

H      

**De :** Gordanier, Tania

**Envoy   :** 23 avril 2018 13:58

**   :** Busby, Corina <Corina.Busby@dfo-mpo.gc.ca>

**Cc :** Hart, Joshua <Joshua.Hart@dfo-mpo.gc.ca>; Marquis, H       <Helene.Marquis@dfo-mpo.gc.ca>; Stewart, Julie <Julie.Stewart@dfo-mpo.gc.ca>; Farrell, Anik <Anik.Farrell@dfo-mpo.gc.ca>

**Objet :** [REDACTED]

**Importance :** Haute

Hi Corina,

[REDACTED]

I’m heading back to French class so if you are okay with this, can you please reply to all so that it can be moved through approvals to Cabinet Affairs. If you would like adjustments, can you please let Josh know and he can make them.

Thanks!!!

Tania

**Pages 237 to / à 239  
are withheld pursuant to section  
sont retenues en vertu de l'article**

**69(1)(a)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

## **Salter, Edriam**

---

**From:** Nghiem, Kathy  
**Sent:** April-24-18 5:38 PM  
**To:** Sanderson, Marc  
**Subject:** FW: Materials Developed for TMX discussion  
**Attachments:** JM\_FINAL\_Comments\_APR\_24\_TMX response capacity improvements - version 8 April 19 16h30.docx

Hi Marc,

Do you want to take a look at this before I flip it back to TC? I'll print a copy for you now ...

Thanks,  
k.

Sent from my BlackBerry 10 smartphone on the Rogers network.

**From:** Sanderson, Marc <Marc.Sanderson@dfo-mpo.gc.ca>  
**Sent:** Friday, April 20, 2018 3:30 PM  
**To:** Nghiem, Kathy  
**Subject:** Fw: Materials Developed for TMX discussion

**From:** Matz, Mark <Mark.Matz@tc.gc.ca>  
**Sent:** Friday, April 20, 2018 3:27 PM  
**To:** Sanderson, Marc; Hubbard, Terence (NRCan/RNCan); Millar, Samuel (NRCan/RNCan); Bryant, Tanya: EC  
**Subject:** Materials Developed for TMX discussion

Hi colleagues,

I've been asked to share two products that we've been working on at the request of our DM to support the conversation around the TMX project. These products have been shared with our DM but we would welcome any comments or feedback that you have to offer. Our DM is looking at using these to help craft messaging around the marine safety enhancements that would be delivered through the OPP and TMX conditions, mostly focused on tanker safety. At this point we have no specific deadline, but I expect that we'll be asked to move quickly to share final versions – likely by Monday, so please do let us know as soon as possible if you have comments.

### **TMX Response Capacity Improvements – Table**

- Designed to provide an overview of the marine safety measures, TMX commitments and OPP initiatives that contribute to tanker safety (primarily TMX tankers)
- Focused on oil tankers, with a particular emphasis on pilotage/tugs. Given our DM's direction, it does not include broader marine safety measures, either current or OPP (e.g. NASP, EMSA).

### **Map**

- Visual to show the pilotage and tug escort requirements for TMX.
- Map also includes high level US requirements re: pilots/tugs. Main take-away is that rules appear to generally be comparable.

In order to print the map, use 11x17 and click 'fit to page'

Yours ever, mark

Mark Matz

Executive Director Operations | Directeur Exécutif Opérations

Oceans Protection Plan | Plan de protection des océans

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Marine Safety Prevention and Response Measures	Current State – a robust marine safety regime in place	OPP Enhancements – world-leading marine safety	Special TMX Requirements for Project Tankers <sup>1</sup>
Pilotage	<p>Highly trained marine pilots with extensive experience to ensure safe navigation and transportation</p> <ul style="list-style-type: none"> <li>2 pilots on project tankers between Vancouver and Broctchie Ledge near Victoria</li> <li>Use well-established commercial shipping routes, traffic separation rules, aids to navigation, and supported by Coast Guard's Marine Communications and Traffic Services (MCTS)</li> <li>Non-tankers: vessels &gt;350 gross tonnes and pleasure craft &gt;500 gross tonnes must have a pilot (some exemptions, e.g. ferries)</li> </ul>	<p><b>Prevention</b></p> <ul style="list-style-type: none"> <li>A review of the <i>Pilotage Act</i> is in progress which will make recommendations for modernizing the <i>Act</i> and regulatory framework</li> </ul>	<p>Existing requirements, plus:</p> <ul style="list-style-type: none"> <li>Project tankers to have pilots on vessels for longer portion of route (extra ~15 nautical miles)</li> <li>For outbound laden project tankers, pilots to disembark near Race Rocks, rather than Broctchie Ledge</li> </ul> <p><u>Note:</u></p> <ul style="list-style-type: none"> <li>For in-bound project tankers, pilots will continue to board at Broctchie Ledge near Victoria</li> </ul>
Escort Tugs [see attached map]	<p>Combination of escort tugs (at times tethered) between Westridge terminal and near Victoria</p> <ul style="list-style-type: none"> <li>Loaded Aframax tankers currently have 3 escort tugs (2 of which are tethered) from terminal through Movement Restriction Area 2 (MRA2) at Second Narrows bridge</li> <li>MRA1 under First Narrows bridge (Lions Gate) 2 tethered tugs</li> <li>First Narrows bridge to Buoy QA off Point Grey 1 tethered tug</li> <li>Buoy QA to East Point 1 untethered tug</li> <li>East Point to Broctchie Ledge near Victoria 1 tethered tug</li> <li>Broctchie Ledge to Race Rocks 1 untethered tug</li> </ul>	N/A	<p>Existing KM measures in place since 2015, plus:</p> <ul style="list-style-type: none"> <li>Extension of tethered tug to Race Rocks</li> <li>Race Rocks to Buoy J 1 heavy* escort tug (*at least 110 bollard pull and 40+ metres in length); RFP for this heavy escort tug has been prepared however KM indicates that it has been put on hold until outstanding issues are resolved</li> </ul> <p><u>Note:</u></p> <ul style="list-style-type: none"> <li>Prior to 2015, escort tugs (tethered or otherwise) limited to Vancouver Harbour and Special Operating Area near Turn Point (roughly East Point to Broctchie)</li> <li>In 2015 KM implemented many of the new tug requirements early (i.e. column at left)</li> </ul>
Emergency Towing Capacity	<p>Neah Bay Emergency Response Towing Vessels able to assist disabled ships and barges in the western Strait of Juan de Fuca</p>	<ul style="list-style-type: none"> <li>Coast Guard is leasing two emergency tow vessels to operate on the west coast. Both vessels are anticipated to be operational by fall 2018. These</li> </ul>	<ul style="list-style-type: none"> <li>As noted above, KM has prepared an RFP for heavy tug capacity that would operate primarily in Strait of Juan de Fuca, out to Buoy J</li> </ul>

<sup>1</sup> "Project tankers" refer to Aframax vessels, with an average capacity of 94-141 million litres

<p>Emergency Tow Kits</p>		<p>vessels will conduct emergency towing, as well as assist with Search and Rescue, and Environmental Response.</p> <ul style="list-style-type: none"> <li>• Emergency Tow Kits will be placed on several large Coast Guard vessels and in strategic caches along the west coast to help vessels in distress.</li> </ul>
<p>Emergency Towing Needs Assessment</p>		<ul style="list-style-type: none"> <li>• Through engagement with the Province of British Columbia, Transport Canada and Coast Guard have developed a robust governance structure to consult with industry, Indigenous nations, coastal communities, and other key stakeholders, to conduct a towing needs analysis which will identify current needs and gaps related to emergency towing capacity on the west coast.</li> </ul>
<p>Enhanced Maritime Situational Awareness/Collaborative Situational Awareness Portal</p>		<ul style="list-style-type: none"> <li>• Coast Guard and Transport Canada are working together to develop a web-based platform to share local maritime data in near real-time, including vessel traffic, to Indigenous partners and coastal communities.</li> </ul>

Marine Safety Prevention and Response Measures	Current State – a robust marine safety regime in place	Prevention (Continued)		Special TMX Requirements for Project Tankers
		OPP Enhancements – world-leading marine safety		
Double hull requirements	<ul style="list-style-type: none"> <li>Two complete layers of watertight hull surface for bottoms and sides of tankers to maintain a vessel's watertight integrity if the outer hull is damaged; therefore reduces the likelihood of spills</li> </ul>	N/A	N/A	
Tanker Vetting	<ul style="list-style-type: none"> <li>Transport Canada conducts inspections on tankers during their first visit to Canada and once a year thereafter</li> <li>This is in addition to Port State Control, a risk-based ship inspection program whereby foreign vessels entering Canadian waters are boarded and inspected to ensure compliance with international maritime conventions to which Canada is signatory (e.g. ship safety; construction and equipment, operations, crew standards and training, pollution)</li> <li>In addition to federal requirements, all tankers go through a pre-screening process by KM to review the vessel's age, design, crew, vessel certificates, and operating history prior to entering Canadian waters</li> </ul>	N/A	N/A	
<b>Preparedness and Response</b>				
Oil Spill Response Times	<p>Western Canada Marine Response Corporation current response times requirements (actual response times are faster):</p> <ul style="list-style-type: none"> <li>Small spill in port: 6 hours</li> <li>Large spill in port &amp; out to Juan de Fuca: 72 hours</li> <li>Spill Response Capacity: 10,000 tonnes</li> </ul>	<p>Reviewing Response Organization standards nationally with aim of faster response times, more risk-based, greater public transparency, improved Indigenous participation, and enhanced certification process</p>	<p>Faster response times and capacity to address a larger spill</p> <ul style="list-style-type: none"> <li>Small spill in port: 2 hours</li> <li>Large spill in port &amp; out to Juan de Fuca: 36 hours, initial response within 6 hours</li> <li>Spill Response Capacity: 20,000 tonnes</li> </ul>	
Western Canada Marine Response Corporation (WCMRC)	<ul style="list-style-type: none"> <li>Approx. 90 total staff</li> <li>Majority of equipment based in Vancouver, with some in Prince Rupert and Duncan</li> <li>Current fleet of 42 vessels of varying sizes (tbc)</li> </ul>	N/A	<ul style="list-style-type: none"> <li>KM to provide \$150M to WCMRC for spill response enhancements</li> <li>&gt;100 new staff (bringing total to ~200)</li> <li>Establishing 5 new response bases in southern British Columbia along shipping lane; including one at Beecher Bay, southwest tip of Vancouver Island</li> <li>Fleet to be doubled (84 vessels) by 2020 (tbc)</li> </ul>	

Marine Safety Prevention and Response Measures	Current State – a robust marine safety regime in place	OPP Enhancements – world-leading marine safety	Special TMX Requirements for Project Tankers
<p>Increase Coast Guard powers</p>	<p><b>Preparedness and Response (Continued)</b></p> <ul style="list-style-type: none"> <li>The Canadian Coast Guard is the on-water operator to ensure responses to marine incidents are effective, efficient and appropriate.</li> <li>Coast Guard provides oversight of every marine incident. Should the polluter be unable, unwilling or unknown, the Canadian Coast Guard through its robust Environmental Response and Incident Management regimes, will assume command of the situation and manage effectively and efficiently to ensure an appropriate response to the incident.</li> </ul>	<p>OPP will invest in Coast Guard to further advance its ability to respond to marine incidents, including oil spills. Specific investments to improve response capacity include:</p> <ul style="list-style-type: none"> <li>Indigenous Community Response Training to provide participants with the knowledge, skills and hands-on experience to enable them to play a greater role in marine safety in their communities, in a safe and effective manner. Courses offered include: <ul style="list-style-type: none"> <li>- Introduction to Incident Command System (ICS 100)</li> <li>- Marine Advanced First Aid</li> <li>- Introductory training in Environmental Response</li> <li>- Coast Guard Small Craft Training, and</li> <li>- Coastal Nations SAR Training</li> </ul> </li> <li>Coast Guard is implementing a student recruitment initiative for the Environmental Response Program to meet the Coast Guard's need to fill the gap for trained and skilled response officers. Students have been hired for 2017-18 in Western</li> </ul>	N/A

	<p>Region and are onboard, fulfilling roles in Environmental Response.</p> <ul style="list-style-type: none"><li>• Enhancement to Coast Guard's environmental response training and exercising program through increased training, large scale exercises and the development of new courses.</li><li>• Three distinct delivery models will be tested to increase on-water environmental response capacity. In the Western region, a Primary Environmental Response Team will be established within the Port Hardy logistics depot. The objective is to reduce the length of initial response time with respect to a marine spill and conduct initial containment and clean-up activities.</li><li>• A new Indigenous chapter in British Columbia is being created within the Coast Guard Auxiliary to support the participation of Indigenous Peoples in marine emergency response.</li></ul>	
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	<ul style="list-style-type: none"><li>• The role of the Coast Guard Auxiliary from search and rescue will be expanded to include spill investigation, assessment and monitoring activities in response to marine pollution.</li><li>• 24/7/365 capacity is being established in Coast Guard's Regional Operations Centre in Victoria. The 24/7 posture is bolstering on-water monitoring, coordination and support to programs.</li><li>• Coast Guard is establishing four new lifeboat stations in Victoria, Nootka Sound, Hartley Bay, and Port Renfrew, British Columbia.</li><li>• Six new RADAR sites will be constructed to address coverage gaps in existing vessel traffic service zones. This will improve the vessel traffic picture along the British Columbia Coast.</li><li>• Coast Guard will modernize its ageing operational network</li></ul>	
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	<p>infrastructure and implement an Marine Communications and Traffic Services business continuity plan. Through this modernization, additional redundant back-up links will be installed and the system will be enhanced to industry standards and will lead to reductions in outages across Canada. In British Columbia, 15 remote sites will be modernized in Victoria and 27 remote sites will be modernized in Prince Rupert.</p> <ul style="list-style-type: none"><li>• Coast Guard is modernizing the suite of environmental response equipment through the purchase and deployment of several new, state-of-the-art, environmental response equipment for use along the west coast.</li><li>• A new logistic depot near Port Hardy, will be built where personnel and equipment will be located to ensure rapid response to oil spills. This depot will be co-located with an existing Coast Guard lifeboat station. Together they will form a hub to help protect the oceans</li></ul>	
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	<p>of British Columbia.</p> <ul style="list-style-type: none"><li>• Regional Response Planning is a holistic, risk-based approach to environmental response planning which takes into account unique regional, ecological, geological, and socio-economic factors.</li><li>• Working with Transport Canada, Coast Guard will implement a comprehensive strategy to clean-up and prevent the occurrence of new abandoned, wrecked and hazardous vessels. This strategy includes Bill C-64, a robust piece of legislation that will prohibit abandonment, increase owner responsibility and strengthen federal authorities to take preventative action. The strategy will include the creation of a national inventory, a methodology that will inform prioritization, remediation, contingency and monitoring plans.</li></ul>	
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**Table 1**

Below figures represent:

- All vessel traffic (i.e. inbound and outbound) to both Canada and the United States through the Strait of Juan de Fuca. For example, a vessel from overseas that enters through the Strait of Juan de Fuca, loads/unloads product at a port, then departs via the same route is counted as 2 in the table below)
- Tanker volumes in the table below do not separate out Trans Mountain traffic
- Tankers include vessels carrying petroleum and also chemical products (i.e. "tankers" are not solely oil tankers)

Vessels crossing at transect line across Juan de Fuca Strait (line from Victoria, British Columbia to Dungeness, Washington)				
Vessel Type	2012		2030	
Cargo/Carrier (all destinations except container ships bound for terminals within PMV jurisdiction)	4,431	23.9%	4,800	20.2%
Container Ships bound for terminals within PMV jurisdiction, excluding RBT2	3,264*	17.6%	3,364*	14.2%
RBT2-Bound Container Ships	0	0.0%	1,040*	4.4%
Tug	2,294	12.4%	3,464	14.6%
Service	2,189	11.8%	2,618	11.0%
Passenger (inc. ferries)	2,146	11.6%	2,567	10.8%
Tanker (including petroleum and chemical products)	1,197	6.5%	2,430	10.3%
Other/Unknown	2,240	12.1%	2,680	11.3%
Fishing	742	4.0%	742	3.1%
<b>Total</b>	<b>18,503</b>	<b>100.0%</b>	<b>23,705</b>	<b>100.0%</b>

Source:

Roberts Bank Terminal 2 Expansion Environmental Assessment (Marine Shipping Addendum to the Environmental Impact Statement, 2015)  
<http://www.ceaa.gc.ca/050/evaluations/document/103683>

\* Assumes these container ships call on Canada and U.S.A. Therefore, 4 crossings of Section 1 for each Canada/U.S.A. voyage, and 6 crossings for once-weekly Canada/U.S.A./Canada service to Deltaport Terminal.

**NOTE: The information in Table 1 and Table 2 cannot be compared directly**

**Table 2**  
**Juan de Fuca Vessel Traffic Estimates**

Below figures represent:

- Inbound and outbound vessel traffic combined. For example, a tanker arriving at Kinder Morgan's Westridge Terminal, loading product, then departing is counted as 1
- Vessel traffic to and from both Canada and the United States
- Kinder Morgan projections for 2018 based on the originally proposed start date for TMX
- Roberts Banks 2 Projections includes vessel traffic forecasts associated with several projects that are now in question

	TMX Projection (348 new)		Roberts Banks 2 Projection	
	2012	2018*	2030**	
Trans Mountain Tankers	60	408	408	
All Tankers (petroleum and chemical products)	599	1,105	1,215	
All Large Vessels (cargo/container, tankers, passenger)	5,519	6,329	7,101	
All Vessels	9,252	10,268	11,853	
Trans Mountain Tankers vs. All Tankers (%)	10. %	36.9%	33.6%	
Trans Mountain Tankers vs. All Large Vessels (%)	1.1%	6.4%	5.7%	
Trans Mountain Tankers vs. All vessels (%)	0.6%	4.0%	3.4%	

**Sources:**

\* Trans Mountain TERMPOL Submission (Volume 8C - Origin, Destination & Marine Traffic Volume Survey, pages 21, 47, 55)  
[https://transmountain.s3.amazonaws.com/application14/V8C\\_TERMPOL\\_REPORTS/0069.html](https://transmountain.s3.amazonaws.com/application14/V8C_TERMPOL_REPORTS/0069.html)

\*\* Roberts Bank Terminal 2 Expansion Environmental Assessment (Marine Shipping Addendum to the Environmental Impact Statement, 2015)  
<http://www.ceaa.gc.ca/050/evaluations/document/103683>

## Longtin, Jean

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**From:** McPherson, Arran  
**Sent:** April-25-18 10:57 AM  
**To:** Kahn, Zoe; Blewett, Catherine; Pelletier, Mario; Stringer, Kevin  
**Cc:** White, Andrea; Lamar, Anne; Moore, Wayne  
**Subject:** Fw: Can you Confirm your MINO Approval today? GoC Statement in response to BC Paper

Fyi, re potential timing for posting of materials. We will make sure we are ready if we hear a green light for the csas document. I haven't seen any direction on this other than the below.

I have also heard from eccc that a tech briefing on science may be needed as early as this week. If asked, our expert would be Ken Lee. We will check into where he is just in case. Arran

Sent from my BlackBerry 10 smartphone on the Bell network.

**From:** Jenkins, Phil <[Phil.Jenkins@dfo-mpo.gc.ca](mailto:Phil.Jenkins@dfo-mpo.gc.ca)>  
**Sent:** Wednesday, April 25, 2018 10:44 AM  
**To:** Nielsen, Ingrid; McPherson, Arran; Northcott, Jennifer  
**Cc:** White, Andrea; Moore, Wayne; Ryan, Patricia; McElhone, Kathryn  
**Subject:** FW: Can you Confirm your MINO Approval today? GoC Statement in response to BC Paper

Heads up below via NRCan. Game plan here is still the same: no posting or tweeting until we hear go from Laura and Arran.

Phil

**From:** Parent, Sonia  
**Sent:** April-25-18 10:38 AM  
**To:** Morris, Christina <[Christina.Morris@dfo-mpo.gc.ca](mailto:Christina.Morris@dfo-mpo.gc.ca)>; Northcott, Jennifer <[Jennifer.Northcott@dfo-mpo.gc.ca](mailto:Jennifer.Northcott@dfo-mpo.gc.ca)>  
**Cc:** ComApproval / Approbation (DFO/MPO) <[ComApproval/Approbation.XNCR@dfo-mpo.gc.ca](mailto:ComApproval/Approbation.XNCR@dfo-mpo.gc.ca)>; Quirion, Stephanie <[Stephanie.Quirion@dfo-mpo.gc.ca](mailto:Stephanie.Quirion@dfo-mpo.gc.ca)>; Jenkins, Phil <[Phil.Jenkins@dfo-mpo.gc.ca](mailto:Phil.Jenkins@dfo-mpo.gc.ca)>  
**Subject:** FW: Can you Confirm your MINO Approval today? GoC Statement in response to BC Paper

Tina, Jen,

As discussed, NRCan has heard that the BC Intentions Paper response and DFO CSAS on Dilbit will be released at 7a.m. tomorrow morning. Unconfirmed here and TC Comms also hasn't heard this.

### Sonia Parent

Senior Communications Advisor | Conseillère principale en communication  
Fisheries and Oceans Canada | Pêches et Océans Canada  
Phone | Téléphone: 613-990-9387

**From:** Joannis, Micheline (NRCan/RNCan) [<mailto:micheline.joannis@canada.ca>]  
**Sent:** April-25-18 10:09 AM  
**To:** Des Lauriers, Manon; Quirion, Stephanie; Cowper, Kelly (EC)  
**Cc:** Roy, Jacqueline; Lavoie, Carine; Parent, Sonia; Gates, Tamara (EC); Wakefield, Tom  
**Subject:** RE: Can you Confirm your MINO Approval today? GoC Statement in response to BC Paper

Good morning,

Hearing from my MINO that this will go out tomorrow morning at 7:00 a.m. Is this what you have all heard as well? I have people here on stand by for quick approval.

I also heard the DFO study will be released tomorrow. Just sharing this fyi in case you have not all heard the same. Stephanie, we would like to support this via social media so let us know what you have planned.

I would also really like to see the latest BC paper media lines asap – I think they are with the DM Keenan? My Minister will be scrumming tomorrow so he will need these today to prepare.

Thanks.

Micheline

**From:** Des Lauriers, Manon <[Manon.DesLauriers@tc.gc.ca](mailto:Manon.DesLauriers@tc.gc.ca)>

**Sent:** April 23, 2018 12:48 PM

**To:** Joannis, Micheline (NRCan/RNCan) <[micheline.joannis@canada.ca](mailto:micheline.joannis@canada.ca)>; Quirion, Stephanie (Ext.) <[stephanie.quirion@dfo-mpo.gc.ca](mailto:stephanie.quirion@dfo-mpo.gc.ca)>; Cowper, Kelly (EC) <[kelly.cowper@canada.ca](mailto:kelly.cowper@canada.ca)>

**Cc:** Roy, Jacqueline <[jacqueline.roy@tc.gc.ca](mailto:jacqueline.roy@tc.gc.ca)>; Lavoie, Carine <[carine.lavoie@tc.gc.ca](mailto:carine.lavoie@tc.gc.ca)>; Parent, Sonia (Ext.) <[sonia.parent@dfo-mpo.gc.ca](mailto:sonia.parent@dfo-mpo.gc.ca)>; Gates, Tamara (EC) <[tamara.gates@canada.ca](mailto:tamara.gates@canada.ca)>; Wakefield, Tom <[Tom.Wakefield@tc.gc.ca](mailto:Tom.Wakefield@tc.gc.ca)>

**Subject:** Can you Confirm your MINO Approval today? GoC Statement in response to BC Paper

**Importance:** High

Good afternoon,

I have received word a moment ago that we need to make sure we have approval on the Statement from all departments, as we could be told at a moment's notice to issue the GoC Response to BC.

Can you please confirm your respective MINO approval for today, 3 pm?

Thanks!

M.

Manon Des Lauriers

Senior Communications Advisor, Marine and Oceans Protection Plan Team

Transport Canada / Government of Canada

[Manon.DesLauriers@tc.gc.ca](mailto:Manon.DesLauriers@tc.gc.ca) / Tel : 613-991-3470 / TTY : 1-888-675-6863

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## Malko, Carol

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**From:** ComApproval / Approbation (DFO/MPO)  
**Sent:** Wednesday, April 25, 2018 1:40 PM  
**To:** Mackenzie, Joey; Malko, Carol; Jarjour, Jasmine; Kahn, Zoe; Butcher, Ashley; Pelletier, Mario; Smith, Andy; Lapointe, Sylvie; Waddell, Mark; Lamar, Anne; Morel, Philippe; McPherson, Arran  
**Cc:** Parent, Sonia; Northcott, Jennifer; Jenkins, Phil; Quirion, Stephanie; McElhone, Kathryn; Burns, Adam; Wheatley, Michelle; Caceres, Jaime; Nielsen, Ingrid; ComApproval / Approbation (DFO/MPO); Parkes, Sara; Williams, Jennifer; Perron, Heloise; Parisien, Renée; Hill, Johanna; Woods-Gauthier, Maxime; Marier, Marie-Michele; Mendoza, Rob; Lewis, Valerie; Patrick, Lindsey; Kaleta, Michelle; SP-SADMO / BSMAP-PS (DFO/MPO); Belle-Isle, Alain; Chin, Melanie; Hodgins, Jill; Dumont, Natalie; Richter, Julie; Genier, Sylvie; Villeneuve, Anne-Marie; White, Andrea; Boudreau, Carol-Ann; Girouard, Louise  
**Subject:** FOR VERY URGENT FACT CHECK BY 2:30PM BY EVERYONE - GOC response to BC Intentions Paper  
**Attachments:** Clean Letter to Min Heyman.docx; Clean ST revised.docx  
**Importance:** High  
**Categories:** ATIP

Please note that we have been asked for **very quick turnaround for a quick final review (2:30pm)** of the attached Government of Canada Response to the BC Intentions Paper – one is the letter to BC Minister Heyman and the Ministerial Statement. MinO has reviewed the attached document and has requested a final **fact check (only)** ASAP. If you are not able to respond within this quick turnaround period, please alert us immediately.

DFO is now leading on the issuing of this statement very early tomorrow morning.

Please note that the other three departments (NRCan, ECCC and Transport) have received this same document just now and are conducting their own URGENT approvals concurrently through their departments.

Do not hesitate contact us anytime with questions.

Thank you in advance for your patience and quick response.

Tina

Christina (Tina) Morris  
Manager/Gestionnaire  
Ministerial Events and Editorial Services  
Department of Fisheries and Oceans/ Pêches et Océans Canada  
(613) 993-5983 \*New/Nouveau  
(cell)  
PIN:   
christina.morris@dfo-mpo.gc.ca

s.16(2)

s.21(1)(a)

s.21(1)(b)

Dear Minister Heyman:

We are writing to follow up on the meeting the Prime Minister held with British Columbia Premier John Horgan and Alberta Premier Rachel Notley in Ottawa on April 15, 2018 to discuss the Trans Mountain Expansion (TMX) project.

The Government of Canada has a strong regime in place to protect the environment in land and marine areas under its jurisdiction, and is committed to continuous improvement in this respect. We will ensure Canada's resources are developed in a way that is informed by rigorous science and evidence, aligns to Canada's climate change plan, protects Canada's rich natural environment, respects the rights and treaties of Indigenous Peoples, and supports our economy.

In this context, we wanted to underscore our government's commitment to seeing the TMX project go ahead, as this vital infrastructure is in Canada's national interest, and to outline why our government has confidence this project can proceed in a manner that is safe, environmentally responsible, and can be built and operated to the highest standards. We also outline measures we have taken, and propose potential areas for future collaboration, to ensure concerns about the project and the protection of B.C.'s coast are addressed in a comprehensive and meaningful way.

#### Protecting the coast

The Government of Canada stands by its decision to approve the TMX project. The project was approved, with 157 legally-binding conditions, within the context of Canada's climate action plan and after a rigorous review based on science and evidence, as well as extensive consultations with Indigenous peoples and other relevant parties. These conditions, including for marine safety, are among the most stringent ever imposed – as far as we can ascertain, the marine safety requirements alone are more onerous than those imposed for any other project proponent.

In addition, the federal government has launched the \$1.5 billion Oceans Protections Plan (OPP), the largest investment Canada has ever made to protect our coasts and marine environments. This plan will (triple) the safety and risk reduction on the coast, despite the increase in tanker traffic. This funding will enhance marine safety along Canada's entire coastline, the longest in the world – supporting new and ongoing prevention, preparedness and response measures. This directly responded to recommendations, including those from the Royal Society of Canada in 2015, to fill the gaps that existed in Canada's system at that time. These improvements will be completed on the BC coast before the pipeline infrastructure expansion is operational.

We are developing a marine safety system that rivals any in the world. The marine safety improvements from the Oceans Protection Plan, coupled with the stringent project conditions for the TMX project, will put extraordinary safeguards in place for all vessels, including those carrying petroleum products. Those safeguards include:

- [REDACTED]
- Expanding requirements for, and the use of, experienced pilots and tethered tugs to escort resources safely out to sea
- Five new spill-response stations funded by industry to enhance emergency response capacity.
- Strong partnerships with coastal and Indigenous communities
- [REDACTED]

**Commented [CZ1]:** Our department has this statistic. Let's please get them to confirm it. (It is in one of our Q&A documents, and it is important.)

**Commented [CZ2]:** [REDACTED]

#### **Depth of scientific expertise**

To complement Canada's world-leading marine safety regime and response capacity, the Oceans Protection Plan will add to the already significant body of scientific knowledge concerning the fate and behaviour of petroleum products in the marine context, and incorporate Indigenous traditional knowledge.

Our government has invested substantially in oil spill and response research, and has produced over 60 peer-reviewed publications in the last five years alone focused on the science of diluted bitumen spills. As a result of this research, and ongoing work by Canadian and international researchers, Canada has advanced overall understanding of the fate and behaviour of petroleum products in ocean and fresh water.

Since 2013, the Government of Canada has made concerted efforts to increase investment, collaboration and coordination of work among Department of Fisheries and Oceans, Natural Resources Canada and Environment and Climate Change Canada to increase understanding of spills of diluted bitumen in marine and freshwater environments. That investment was augmented in 2016 with additional funding provided to implement the Oceans Protection Plan, which includes focusing research on the fate, behaviour and effects of various oil products in different spill conditions and under extreme Canadian climates, to improve the security of transport of oil products, spill recovery and responses.

Collectively, the Government of Canada has dedicated some 50 scientists, technologists, chemists and engineers in four major programs to study oil spill behaviour and recovery technologies. There is a significant body of work in the public domain that has been peer reviewed domestically and internationally, which helped inform decisions on pipeline projects as well as oil spill planning and preparedness. Based on this body of knowledge, we can say with confidence that Canada's scientists and emergency responders would [what can we say here re. how we would handle a spill effectively based on this knowledge?]

Commented [K3]: Need DFO to expand here

#### **Working with Indigenous peoples and industry**

We are collaborating with coastal and Indigenous communities, industry, provinces, and territories, to realize the goals outlined in the Oceans Protection Plan, and working in partnerships with Indigenous peoples to ensure that marine safety and environmental protection reflect our shared concerns from the outset.

The recent measures enacted under the *Pipeline Safety Act* and amendments to the *National Energy Board Act* also demonstrate our government's commitment to world-leading pipeline safety, as does Canada's commitment of \$65 million in new funding to support activities and priorities of the Indigenous Advisory and Monitoring Committee for the TMX project. This Committee provides a mechanism for Indigenous communities to provide advice to federal regulators, and participate in the monitoring of the existing line, the expansion project, and associated marine shipping.

We are confident that the full suite of measures in the Oceans Protection Plan and beyond will ensure comprehensive environmental protection, minimize any risks to the land and marine environments arising from TMX or similar infrastructure projects, and allow for a quick, efficient and effective response in the event that such actions were necessary. The Oceans Protection Plan and additional project-specific safeguards are rooted in scientific research, and our commitment to evidence-based decision making is unwavering.

s.21(1)(a)

s.21(1)(b)

#### **Proposed areas for collaboration**

We understand that senior officials met in February 2018 to provide further clarity and information on the Oceans Protection Plan, to discuss areas of concern to British Columbia, and to consider possible solutions. In this context, we remain open to explore those solutions further – such as examining ways to ensure more effective towing capacity on the West Coast, or to strengthen loss and damage provisions under rail safety legislation. We will also soon be announcing details regarding one of our Government's mandate to reduce reliance on diesel fuel in rural and remote communities.

Our officials have been meeting to consider how we can advance collaboration and alleviate any ongoing concerns regarding spill response capacity. One proposal that we would like to highlight is a potential partnership among the Government of Canada, the Government of British Columbia and Indigenous peoples, to articulate a seamless land-to-sea system to protect British Columbia from spill risks through integrated work on planning, preparedness, response, and recovery and critical alignment of safety and response systems in our respective jurisdictions. Initial steps would include identifying any potential incident most likely to cross over between jurisdictions, and improving upon joint systems and protocols to address environmental risks and incidents, including spills.

Should your government wish to further collaborate on science, our second proposal would focus on establishing a joint Scientific Expert Advisory Panel. The panel would build on our investments and focus on improving the security of transport of oil products, spill recovery and response, by targeting the fate, behavior, and effects of various oil products in different spill conditions and under extreme Canadian climates. Such a panel would be made up of independent experts, be national in scope, and examine all types of petroleum products.

In addition to these measures, we also wanted to advise you that the Government of Canada is today submitting its response to the Government of British Columbia's Consultation Paper. Canada's submission outlines the full scope of federal activities that underpin our confidence that the TMX project can be developed and operated safely, since British Columbia did not address these existing efforts in its Consultation Paper of the robust Canadian safety regimes, the long-standing scientific expertise, and significant recent investments made by the Government of Canada related to spill management. It is essential that Canadians have access to a complete and accurate picture of federal jurisdiction, spill management in Canada, and the world-leading federal measures in place to protect Canada's coast, communities and environment.

Yours sincerely,

Commented [C24]:



Minister Leblanc  
Minister Carr  
Minister McKenna  
Minister Garneau

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**Statement by Ministers Garneau, Carr, McKenna and LeBlanc on the Government of Canada's investment in marine science and safety**

April 26, 2018   Ottawa   Transport Canada, Natural Resources Canada, Environment and Climate Change Canada, and Fisheries and Oceans Canada

Today, the Government of Canada submitted its response to the Government of British Columbia's consultation process on oil spill response, including an updated science report on diluted bitumen, and an open letter to BC Minister of Environment, George Heyman.

This submission confirms all actions taken to date, and planned, by the Government of Canada on oil spill response, in four areas identified by BC:

- Response times, which ensure timely responses following a spill.
- Geographic response plans, which ensure resources are available to support an immediate response, taking into account the unique characteristics of a given sensitive area.
- Compensation for loss of public use from spills, including economic, cultural and recreational impacts.
- Maximizing application of regulations to marine spills.

**Commented [CZ1]:** Will need to fact check these with BC's paper

To support this submission, the Honourable Marc Garneau, Minister of Transport, the Honourable Jim Carr, Minister of Natural Resources, the Honourable Catherine McKenna, Minister of Environment and Climate Change, and the Honourable Dominic LeBlanc, Minister of Fisheries, Oceans and the Canadian Coast Guard issued the following statement:

"Canada's actions and commitments have met and surpassed global standards in all areas. We are committed to the highest environmental standards, strong Indigenous partnerships, and ensuring vital infrastructure for the Canadian economy goes ahead.

"We have, since February, been working with the Government of BC to engage them in these efforts, and yet none of Canada's programs or policies were included in the BC NDP Government's online consultation paper. This is misleading Canadians despite Canada having a world-leading oceans protection plan well underway.

"Canadians can be assured that Canada's coastline, the longest in the world, is being protected with best-in-the world standards. This work is in partnership with scientists, Indigenous and coastal communities, experts and industry. The Government of Canada has increased the safety and reduced the risk of spills by three-fold to address the gaps that existed across all of Canada's coastline."

**Commented [CZ2]:** Need to fact check this with the dept

DRAFT

Government of Canada's activities related to spill management:  
<http://www.tc.gc.ca/eng/mediaroom/orders-directives-directions-letters-7497.html>

Canada's Oceans Protection Plan: <https://www.tc.gc.ca/eng/canada-oceans-protection-plan.html>

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## **Butcher, Ashley**

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**From:** ComApproval / Approbation (DFO/MPO)  
**Sent:** Wednesday, April 25, 2018 8:04 PM  
**To:** Mackenzie, Joey; Malko, Carol; Butcher, Ashley; Kahn, Zoe; Hutchinson, Jeffery; Jarjour, Jasmine  
**Cc:** McElhone, Kathryn; Parent, Sonia; ComApproval / Approbation (DFO/MPO); Williams, Jennifer; Quirion, Stephanie; Nielsen, Ingrid; Morris, Christina  
**Subject:** FYI only - latest TMX Communications products still going through approvals  
**Attachments:** Joint Statement.docx; Letter to Min Heyman April 25 2pm.docx; 2018\_018-eng.pdf; 2018\_018-fra.pdf; ACTIVITÉS DU GOUVERNEMENT DU CANADA LIÉES À LA GESTION DES DÉVERSEMENTS ....pdf; GOVERNMENT OF CANADA ACTIVITIES RELATED TO SPILL MANAGEMENT - FINAL.PDF

Attached for your information are the latest TMX Communication Products (GOC Statement on the BC Paper)

- Joint statement Min. Garneau (TC), Min. McKenna, Min. Carr, Min. LeBlanc – English only / Currently with PMO for review
- Letter from Minister McKenna to B.C. Minister of Environment and Climate Change Strategy – English only / Currently with PMO for review
- DFO's Canadian Science Advisory Secretariat (CSAS) – both Eng. And Fr.
- Government of Canada Activities related to Spill Management – both Eng. And Fr.

Please be advised that these products incorporate changes from PCO and that additional changes from PMO are forthcoming. We are sharing so they can be up to speed on the latest version. We will share the final with you as soon as we receive it.

Note that key messages have been sent to you for disaster check under in a separate email.

Feel free to contact me with any questions.

Thanks,

Tina

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**Statement by Ministers Garneau, Carr, McKenna and LeBlanc on the Government of Canada's investment in marine science and safety**

April 26, 2018    Ottawa    Transport Canada, Natural Resources Canada, Environment and Climate Change Canada, and Fisheries and Oceans Canada

Today, the Government of Canada submitted its response to the Government of British Columbia's consultation process on oil spill response, including an updated science report on diluted bitumen, and an open letter to B.C. Minister of Environment, George Heyman.

Along with its submission, the Government of Canada also released an updated science report on diluted bitumen and Minister Catherine McKenna sent an open letter to B.C. Minister of Environment, George Heyman.

Our The Government of Canada's submission outlines the full scope of federal activities in this sphere underway to safeguard British Columbia's coasts, confirming outlining all actions taken to date, and planned, by the Government of Canada on oil spill response, in four areas identified by B.C.:

- Response times, which ensure timely responses following a spill.
- Geographic response plans, which ensure resources are available to support an immediate response, taking into account the unique characteristics of a given sensitive area.
- Compensation for loss of public use from spills, including economic, cultural and recreational impacts.
- Maximizing application of regulations to marine spills.

To support this submission, the Honourable Marc Garneau, Minister of Transport, the Honourable Jim Carr, Minister of Natural Resources, the Honourable Catherine McKenna, Minister of Environment and Climate Change, and the Honourable Dominic LeBlanc, Minister of Fisheries, Oceans and the Canadian Coast Guard issued the following statement:

"Canada's actions and commitments to date and in the future, have demonstrated our will ensure commitment we maintain to the highest environmental standards while building strong Indigenous partnerships, and ensuring vital infrastructure for the Canadian economy goes ahead.

"We have, for several months, been working with the Government of B.C. to engage them in these efforts. We were surprised that believe that the BC government's online consultation paper did not acknowledge should have acknowledged the extensive programs Canada's extensive programs, investments and policies to the Government of Canada has put in place to protect our coasts. It is important that the people of British Columbia and all Canadians be provided with a full more complete picture of the Federal protections already in place, and which we have committed to further enhancing, being further enhanced.

"Canadians can be assured that Canada's coastline, the longest in the world, is being protected with best-in-the world standards. This work is in partnership with scientists, Indigenous and

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coastal communities, experts and industry. The Government of Canada has increased the safety and reduced the risk of spills to address the gaps that existed across all of Canada's coastline."

Related links:

Government of Canada response to *British Columbia's Policy Intentions Paper for Engagement*: <http://www.tc.gc.ca/eng/mediaroom/our-response-bc-policy-intentions-paper-activities-spill-management.html>

Status Report on the Knowledge of the Fate and Behaviour of Diluted Bitumen in the Aquatic Ecosystems: [http://www.dfo-mpo.gc.ca/csas-sccs/Publications/ScR-RS/2018/2018\\_018-eng.html](http://www.dfo-mpo.gc.ca/csas-sccs/Publications/ScR-RS/2018/2018_018-eng.html)

Government of Canada's activities related to spill management: <http://www.tc.gc.ca/eng/mediaroom/orders-directives-directions-letters-7497.html>

Canada's Oceans Protection Plan: <https://www.tc.gc.ca/eng/canada-oceans-protection-plan.html>

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s.21(1)(a)

s.21(1)(b)

Dear Minister Heyman:

I am writing to follow up on the meeting the Prime Minister held with British Columbia Premier John Horgan and Alberta Premier Rachel Notley in Ottawa on April 15, 2018 to discuss the Trans Mountain Expansion (TMX) project.

The Government of Canada has a strong regime in place to protect the environment in land and marine areas under its jurisdiction, and is committed to continuous improvement in this respect. We are committed to ensuring Canada's resources are developed in a way that is informed by rigorous science and evidence, aligns to Canada's climate change plan, protects Canada's rich natural environment, respects the rights of Indigenous Peoples, and supports our economy. Our priority remains to effectively advance both Canada's economic progress and our environmental responsibilities.

In this context, I wanted to underscore our government's commitment to seeing the TMX project go ahead, as this vital infrastructure is in Canada's national interest, and to outline why our government has confidence this project can proceed in a manner that is safe, environmentally responsible, and built and operated to the highest standards. I also outline measures we have taken, and propose potential areas for future collaboration, to ensure concerns about the project and the protection of B.C.'s coast are addressed in a comprehensive and meaningful way.

#### **Protecting the coast**

The Government of Canada firmly stands by its decision to approve the TMX project. The project was approved, with 157 legally-binding conditions, within the context of Canada's climate action plan and after a rigorous review based on science and evidence, as well as extensive consultations with Indigenous peoples and other relevant parties. These conditions, including for marine safety, are among the most stringent ever imposed. We believe the marine safety requirements alone are more onerous than those imposed for any other project proponent.

In addition, the federal government has launched the \$1.5 billion Oceans Protections Plan (OPP), the largest investment Canada has ever made to protect our coasts and marine environments. This plan will triple the safety and risk reduction on the coast, despite the increase in tanker traffic. This funding will enhance marine safety along Canada's entire coastline, the longest in the world – supporting new and ongoing prevention, preparedness and response measures. This directly responded to recommendations, including those from the Royal Society of Canada in 2015, to fill the gaps that existed in Canada's system at that time. These improvements will be completed on the BC coast before the pipeline infrastructure expansion is operational.

We are developing a marine safety system that rivals any in the world. The marine safety improvements from the Oceans Protection Plan, coupled with the stringent project conditions for the TMX project, will put extraordinary safeguards in place for all vessels, including those carrying petroleum products. Those safeguards include:

- [REDACTED]
- Expanding requirements for, and the use of, experienced pilots and tethered tugs to escort resources safely out to sea; and,
- Five new spill-response stations funded by industry to enhance emergency response capacity, as well as new, significantly shorter response time which could benefit Burrard Inlet;
- Removal of the Ship-Source Oil Pollution Fund per-incident limit of liability, and making an unlimited amount of compensation available for spill response;



s.21(1)(a)

s.21(1)(b)

- Strong partnerships with coastal and Indigenous communities; and,
- [REDACTED]

Crude oil has been shipped safely through the Vancouver harbour for over 60 years, and diluted bitumen for over 30 years. We are confident that these improvements will help maintain this impressive record, and not only address concerns about tanker traffic, but will increase marine safety for all vessels.

#### **Depth of scientific expertise and knowledge**

To complement Canada's world-leading marine safety regime and response capacity, the Oceans Protection Plan will add to the already significant body of scientific knowledge concerning petroleum products in the marine context and incorporate Indigenous knowledge.

Our government has invested substantially in oil spill and response research for over 35 years, and has produced over 60 peer-reviewed publications in the last five years alone focused on the science of diluted bitumen spills. As a result of this research, and ongoing work by Canadian and international researchers, Canada has advanced overall understanding of the fate and behaviour of petroleum products in ocean and fresh water. Based on current scientific evidence and limited real-world spill experience, diluted bitumen behaves similarly to conventional crude oils; it will float initially for several days depending on the environmental conditions.

Since 2013, the Government of Canada has made concerted efforts to increase investment, collaboration and coordination of work among the Department of Fisheries and Oceans, Natural Resources Canada and Environment and Climate Change Canada to increase understanding of spills of diluted bitumen in marine and freshwater environments. That investment was augmented in 2016 with additional funding provided to implement the Oceans Protection Plan, which includes focusing research on the fate, behaviour and effects of various oil products in different spill conditions and under extreme Canadian climates, to improve the security of transport of oil products, spill recovery and responses.

Collectively, the Government of Canada has dedicated some 50 scientists, technologists, chemists and engineers in four major programs to study oil spill behaviour and recovery technologies. There is a significant body of work in the public domain that has been peer reviewed domestically and internationally, which helped inform decisions on pipeline projects as well as oil spill planning and preparedness. Based on this body of knowledge, we can say with confidence that Canada's scientists and emergency responders would be well equipped to address any potential eventualities if required.

#### **Working with Indigenous peoples and industry**

We are collaborating with coastal and Indigenous communities and industry, industry, provinces, and territories to realize the goals outlined in the Oceans Protection Plan, and working in partnerships with Indigenous peoples to ensure that marine safety and environmental protection reflect our shared concerns from the outset.

The recent measures enacted under the *Pipeline Safety Act* and amendments to the *National Energy Board Act* also demonstrate our government's commitment to world-leading pipeline safety, as does Canada's commitment of \$65 million in new funding to support activities and priorities of the co-developed Indigenous Advisory and Monitoring Committee for the TMX project. This Committee provides a mechanism for Indigenous communities to provide advice to federal regulators, and participate in the monitoring of the existing line, the expansion project, and associated marine shipping.

s.21(1)(a)

s.21(1)(b)

We are confident that the full suite of measures in the Oceans Protection Plan and beyond will ensure comprehensive environmental protection, minimize any risks to the land and marine environments arising from TMX or similar infrastructure projects, and allow for a quick, efficient and effective response in the unlikely event that such actions were necessary. The Oceans Protection Plan and additional project-specific safeguards are rooted in scientific research, and our commitment to evidence-based decision making is unwavering.

#### **Looking ahead**

I understand that senior officials met in February 2018 and again this week to provide further clarity and information on the Oceans Protection Plan, to discuss areas of concern to British Columbia, and to consider possible solutions. In this context, we remain open to explore those solutions further – such as examining ways to ensure more effective towing capacity on the West Coast, or to strengthen loss and damage provisions under rail safety legislation. In February, we also announced federal programs to reduce reliance on diesel fuel in rural and remote communities, [REDACTED]

[REDACTED] and we are committed to working with Indigenous communities and British Columbia to support access to these programs.

Our officials have been meeting to consider how we can advance collaboration and alleviate any ongoing concerns regarding spill response capacity. One proposal that we would like to highlight is a potential partnership between the Government of Canada, the Government of British Columbia and Indigenous peoples, to articulate a seamless land-to-sea system to protect British Columbia from spill risks through integrated work on planning, preparedness, response, and recovery and critical alignment of safety and response systems in our respective jurisdictions. Initial steps would include identifying any potential incident most likely to cross over between jurisdictions, and establishing systems and protocols for joint actions to address environmental risks

Should your government wish to further collaborate on science, we could consider establishing a joint Scientific Expert Advisory Panel. Such a panel would build on our science investments and results, and take stock of work on the fate, behaviour, and effects of various oil products in different spill conditions and under extreme Canadian climates in order to inform further scientific work under the OPP and spill response modelling, preparedness, and response. Such a panel would be made up of independent experts, be national in scope, and examine all types of petroleum products.

In addition to these measures, I also wanted to advise you that the Government of Canada has today submitted its response to the Government of British Columbia's "Policy Intentions Paper for Engagement: Phase Two Enhancements to Spill Management in British Columbia". Canada's submission outlines the full scope of federal activities that underpin our confidence that the TMX project can be developed and operated safely, given that British Columbia did not address in its Consultation Paper the robust Canadian safety regimes, the long-standing scientific expertise, and significant recent investments made by the Government of Canada related to spill management. It is essential that Canadians have access to a complete and accurate picture of federal jurisdiction, spill management in Canada, and the world-leading federal measures in place to protect Canada's coast, communities and environment.

Yours sincerely,

Minister McKenna



Fisheries and Oceans  
Canada

Pêches et Océans  
Canada

Ecosystems and  
Oceans Science

Sciences des écosystèmes  
et des océans

Canadian Science Advisory Secretariat  
Science Response 2018/018

National Capital Region

## STATUS REPORT ON THE KNOWLEDGE OF THE FATE AND BEHAVIOUR OF DILUTED BITUMEN IN THE AQUATIC ECOSYSTEMS

### Context

Effective spill response depends on a good scientific understanding of the fate and behaviour of a specific product when it is released into the environment (e.g., changes in physical properties and chemical composition that influences its environmental persistence and potential biological effects). As part of the Government of Canada's (GOC) strategy to implement a world class prevention, preparedness and response regime, investments into Fisheries and Oceans Canada (DFO), Environment and Climate Change Canada (ECCC), and Natural Resources Canada (NRCan) have been made to conduct research on diluted bitumen fate, behaviour and biological effects when spilled into aquatic environments under climatic conditions relevant to a Canadian context.

These research investments are ongoing over a period of years; however, in advance of the publication of final findings, it is important that the aforementioned government agencies share and exchange new information; validate their work against industry-led initiatives; and work to make interim knowledge available in support of a robust and leading-edge emergency response regime.

The overarching objective of this Science Response Process (SRP) was to summarize information that has been obtained to date about the fate, behaviour, biological effects, and mitigation techniques for diluted bitumen in order to inform future research work; support current and future emergency response planning/preparedness and operations; as well as to inform the public about recent findings. Collectively, the group of meeting participants sought to respond to the following questions:

1. What is diluted bitumen and how does its composition vary between gathering lines within Alberta, and transmission pipelines that carry diluted bitumen out of Alberta?
2. What do we know about diluted bitumen behaviour when spilled under which defined conditions? What environmental conditions or other factors influence their behaviour when spilled?
  - a. Real-world spill experience (e.g. Kalamazoo, MI spill, Gogama, ON spills, North Saskatchewan River, SK spill, etc.)
  - b. Results of laboratory and meso-scale studies
3. What do we know about the effectiveness of response options to treat diluted bitumen spills? What environmental conditions or other factors influence their effectiveness?
  - a. Are conventional crude oil spill response countermeasures effective for diluted bitumen spills?
  - b. Is the countermeasure "time window-of-opportunity" for diluted bitumen different than for conventional crudes?

**Pages 269 to / à 289  
are withheld pursuant to section  
sont retenues en vertu de l'article**

**68(a)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

**National Capital Region**

**Science Response: Fate and Behaviour of  
Dilbit in the Aquatic Ecosystems**

**This Report is Available from the :**

Center for Science Advice (CSA)  
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Fisheries and Oceans Canada  
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*Aussi disponible en français :*

MPO. 2018. Rapport de situation sur la connaissance du devenir et du comportement du bitume dilué dans les écosystèmes aquatiques. Secr. Avis sci. MPO, Avis Rép. des Sci. 2018/018.



Pêches et Océans  
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Sciences des écosystèmes  
et des océans

Ecosystems and  
Oceans Science

Région de la capitale nationale

Secrétariat canadien de consultation scientifique  
Réponse des Sciences 2018/018

## **RAPPORT DE SITUATION SUR LA CONNAISSANCE DU DEVENIR ET DU COMPORTEMENT DU BITUME DILUÉ DANS LES ÉCOSYSTÈMES AQUATIQUES**

### **Contexte**

L'intervention efficace en cas de déversement repose sur la bonne compréhension scientifique du devenir et du comportement d'un produit en particulier quand il est libéré dans l'environnement (p. ex., les modifications à ses propriétés physiques et à sa composition chimique qui influent sur sa persistance dans l'environnement et ses effets biologiques potentiels). Dans le cadre de la stratégie du gouvernement du Canada (GC) visant à mettre sur pied un régime de prévention, de préparation et d'intervention de calibre mondial, on a fait des investissements dans Pêches et Océans Canada (DFO), Environnement et Changement climatique Canada (ECCC) et Ressources naturelles Canada (RNCan) afin de réaliser des études sur le devenir, le comportement et les effets biologiques du bitume dilué quand celui-ci est déversé dans les environnements aquatiques dans des conditions climatiques correspondant à un contexte canadien.

Ces investissements en recherche se font sur plusieurs années. Cependant, avant la publication des constatations définitives, il est important que les organismes gouvernementaux susmentionnés s'échangent les nouvelles connaissances, valident leurs travaux à partir des initiatives dirigées par l'industrie et travaillent pour rendre les connaissances provisoires accessibles pour favoriser un régime d'intervention en cas d'urgence.

L'objectif global du présent processus de réponse des Sciences (PRS) est de résumer les connaissances obtenus à ce jour au sujet du devenir, du comportement et des effets biologiques du bitume dilué et des techniques d'atténuation y afférentes, le tout dans le but d'orienter les futurs travaux de recherche, de soutenir la planification et la préparation aux urgences éventuelles et les opérations en cas d'urgence ainsi que d'informer le public sur les dernières découvertes. Ensemble, le groupe de participants aux réunions a cherché à répondre aux questions suivantes :

1. Qu'est-ce que le bitume dilué et comment sa composition varie-t-elle entre les canalisations de collecte de l'Alberta et les pipelines qui transportent ce bitume à l'extérieur de l'Alberta?
2. Que savons-nous sur le comportement du bitume dilué lorsqu'il est déversé dans des conditions données? Quelles conditions environnementales ou quels autres facteurs influent sur le comportement du bitume dilué en cas de déversement?
  - a. Les expériences concrètes de déversements (p. ex. le déversement de Kalamazoo (Michigan), le déversement de Gogoma (Ontario), le déversement de la rivière Saskatchewan Nord (Saskatchewan), etc.)
  - b. Les résultats des études en laboratoire et à méso-échelle
3. Que savons-nous au sujet de l'efficacité des options d'intervention pour traiter les déversements de bitume dilué? Quelles conditions environnementales ou quels autres facteurs influent sur l'efficacité de ces options d'intervention?

**Pages 292 to / à 319  
are withheld pursuant to section  
sont retenues en vertu de l'article**

**68(a)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

Région de la capitale nationale

Réponse des Sciences : devenir et  
comportement du bitume dilué dans les  
écosystèmes aquatiques

**Ce rapport est disponible auprès du :**

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*Also available in English:*

DFO. 2018. *Status Report on the Knowledge of the Fate and Behaviour of Diluted Bitumen in the Aquatic Ecosystems. DFO Can. Sci. Advis. Sec. Sci. Resp. 2018/018.*





## GOVERNMENT OF CANADA ACTIVITIES RELATED TO SPILL MANAGEMENT

### PURPOSE

The Government of Canada makes the following submission in response to British Columbia's *Policy Intentions Paper for Engagement: Phase Two Enhancements to Spill Management in British Columbia*. British Columbia does not address the robust federal safety regimes, the long-standing scientific expertise, and significant recent investments made by the Government of Canada related to spill management in its paper.

This submission outlines the full scope of federal activities in this sphere, to provide Canadians with a complete and accurate picture of spill management in Canada, and to allow a full understanding of the world-leading federal regimes that are well established, and where federal jurisdiction is clear.

### FEDERAL SYSTEMS OVERVIEW

Canada is a trading nation, and our coastlines and transportation systems are essential to the prosperity of our economy. The Government of Canada believes that Canadians want and deserve a clean environment and a strong economy. It also recognizes the importance of infrastructure development, including pipelines, to access new and growing markets for our natural resources and has been clear that this should be done in a safe and sustainable manner that protects Canada's rich environment, respects the rights and treaties of Indigenous Peoples of Canada, and supports the competitiveness of our natural resource industries.

Canada has world-leading regimes for prevention, preparedness and response, and liability and compensation for the transportation of petroleum and other products, as well as clear jurisdiction for interprovincial pipelines, and rail and marine transportation. The current railway, marine, and pipeline regimes are robust and continue to be advanced and improved and include comprehensive liability and compensation systems to minimize impacts on Canadians, ensure they are protected from costs and damages, and that the environment is protected.

These regimes are supported by extensive scientific research that enables evidence-based decision making. The federal government has been undertaking oil spill and response research for over 35 years, and has stepped up this scientific work over the past decade, producing over 60 peer-reviewed publications in the last 5 years alone. The Government of Canada has been a major contributor to the global body of scientific knowledge that has advanced the overall understanding of the fate and behaviour of petroleum products in ocean and fresh water, including for diluted bitumen.

Further, the Government of Canada is committed to the ongoing improvement of the federal regimes. For example, the historic investment of \$1.5 billion in the national Oceans Protection Plan demonstrates the commitment to world-leading marine safety (with both prevention and response measures) and the protection of our vital coastal ecosystems, as well as further science and research investments. Similarly, the recent measures enacted under the *Pipeline Safety Act* and amendments to the *National Energy Board Act* demonstrate the commitment to world-leading pipeline safety. As does Canada's commitment of \$65 million in new funding (over

**Pages 322 to / à 379  
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## ACTIVITÉS DU GOUVERNEMENT DU CANADA LIÉES À LA GESTION DES DÉVERSEMENTS

### OBJET

Le gouvernement du Canada soumet le présent exposé en réponse au document intitulé *Policy Intentions Paper for Engagement: Phase Two Enhancements to Spill Management in British Columbia* du gouvernement de la Colombie-Britannique, parce que celui-ci ne fait pas de référence détaillée dans son document aux solides régimes de sécurité fédéraux, à l'expertise scientifique de longue date du gouvernement du Canada et aux importants investissements récents réalisés par celui-ci en gestion des déversements.

Le présent document décrit la gamme complète des activités fédérales dans ce domaine afin que les Canadiens aient un tableau complet et précis de la gestion des déversements au Canada, ainsi que pour contribuer à une parfaite compréhension des régimes fédéraux bien implantés qui figurent parmi les meilleurs du monde, et à l'égard desquels la compétence fédérale est clairement établie.

### APERÇU DES SYSTÈMES FÉDÉRAUX

Le Canada est un État commerçant, et nos côtes de même que nos réseaux de transport sont essentiels à la prospérité de notre économie. Le gouvernement du Canada estime que les Canadiens veulent et méritent un environnement propre et une économie forte. Il reconnaît également l'importance que revêt le développement des infrastructures, y compris les pipelines, pour faire en sorte que nos ressources naturelles puissent accéder à de nouveaux marchés en pleine croissance; il a clairement établi que les mesures en ce sens devraient être prises d'une manière sécuritaire et durable qui protège le riche environnement du Canada, respecte les droits et les traités des peuples autochtones du Canada et soutient la compétitivité de nos industries des ressources naturelles.

Le Canada est doté de régimes de prévention, de préparation et d'intervention, de même que de responsabilité et d'indemnisation pour le transport du pétrole et d'autres produits qui figurent parmi les meilleurs au monde, en plus de définir des compétences claires au chapitre des pipelines interprovinciaux de même qu'en matière de transport ferroviaire et maritime. Les régimes ferroviaire, maritime et pipelinier actuels sont solides et ils continuent d'évoluer et de faire l'objet d'améliorations; ils intègrent des systèmes de responsabilité et d'indemnisation exhaustifs afin de limiter le plus possible les répercussions sur les Canadiens, de veiller à ce qu'ils soient protégés des coûts et des dommages et d'assurer la protection de l'environnement.

Ces régimes sont soutenus par d'importantes recherches scientifiques qui permettent de prendre des décisions fondées sur des données probantes. Le gouvernement fédéral mène des recherches sur le thème des déversements d'hydrocarbures et sur celui de l'intervention depuis plus de 35 ans et, au cours de la dernière décennie, il a intensifié ce travail scientifique et produit plus de 60 articles soumis à un examen par des pairs seulement au cours des cinq dernières années. En contribuant largement à l'important corpus de recherches mondiales, le gouvernement du Canada a fait progresser la compréhension que l'on a désormais, partout dans le monde, du devenir et du comportement des produits pétroliers en milieu marin et en eau douce.

**Pages 381 to / à 446  
are withheld pursuant to section  
sont retenues en vertu de l'article**

**68(a)**

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## Longtin, Jean

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**From:** Stringer, Kevin  
**Sent:** April-25-18 8:26 PM  
**To:** Butcher, Ashley  
**Subject:** Re: FYI only - latest TMX Communications products still going through approvals

Thanks

Sent from my BlackBerry 10 smartphone on the Rogers network.

**From:** Butcher, Ashley  
**Sent:** Wednesday, April 25, 2018 8:22 PM  
**To:** Stringer, Kevin  
**Cc:** Kahn, Zoe  
**Subject:** Fw: FYI only - latest TMX Communications products still going through approvals

FYI - looks like we are all good to go with the CSAS tomorrow morning at 6:30am. However, I think Science (Arran and Wayne) are waiting on an "ok" from you before they post. Just wanted to give you that heads up for the morning.

Thanks,

Ashley

**From:** Quirion, Stephanie <[Stephanie.Quirion@dfo-mpo.gc.ca](mailto:Stephanie.Quirion@dfo-mpo.gc.ca)>  
**Sent:** Wednesday, April 25, 2018 8:16 PM  
**To:** Butcher, Ashley; ComApproval / Approbation (DFO/MPO); Mackenzie, Joey; Malko, Carol; Kahn, Zoe; Hutchinson, Jeffery; Jarjour, Jasmine  
**Cc:** McElhone, Kathryn; Parent, Sonia; Williams, Jennifer; Nielsen, Ingrid; Morris, Christina; Wiebe, Robert; Jenkins, Phil; Northcott, Jennifer; Moore, Wayne; McPherson, Arran  
**Subject:** Re: FYI only - latest TMX Communications products still going through approvals

Yes comms has the dev links from her and our respective web teams are in contact

Wayne and Arran know and are gearing up to have it in cue for 6:30 am I am told

Sq

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On Wed, Apr 25, 2018 at 8:13 PM -0400, "Butcher, Ashley" <[Ashley.Butcher@dfo-mpo.gc.ca](mailto:Ashley.Butcher@dfo-mpo.gc.ca)> wrote:

Great, thanks. And Laura's aware?

**From:** Quirion, Stephanie  
**Sent:** Wednesday, April 25, 2018 8:10 PM  
**To:** Butcher, Ashley; ComApproval / Approbation (DFO/MPO); Mackenzie, Joey; Malko, Carol; Kahn, Zoe; Hutchinson,

Jeffery; Jarjour, Jasmine

**Cc:** McElhone, Kathryn; Parent, Sonia; Williams, Jennifer; Nielsen, Ingrid; Morris, Christina; Wiebe, Robert

**Subject:** RE: FYI only - latest TMX Communications products still going through approvals

Hi Ashley,

The CSAS report will need to be pushed live a few minutes before the statement (maybe 15-20 minutes ahead, roughly) because there is a link to it from the statement.

Stephanie

---

**From:** Butcher, Ashley

**Sent:** April 25, 2018 8:06 PM

**To:** ComApproval / Approbation (DFO/MPO); Mackenzie, Joey; Malko, Carol; Kahn, Zoe; Hutchinson, Jeffery; Jarjour, Jasmine

**Cc:** McElhone, Kathryn; Parent, Sonia; ComApproval / Approbation (DFO/MPO); Williams, Jennifer; Quirion, Stephanie; Nielsen, Ingrid; Morris, Christina

**Subject:** Re: FYI only - latest TMX Communications products still going through approvals

Hey Tina - quick question on sequencing. Are we posting CSAS after the statement? Just want to confirm timing from what you understand.

Thanks,

Ashley

**From:** ComApproval / Approbation (DFO/MPO)

**Sent:** Wednesday, April 25, 2018 8:03 PM

**To:** Mackenzie, Joey; Malko, Carol; Butcher, Ashley; Kahn, Zoe; Hutchinson, Jeffery; Jarjour, Jasmine

**Cc:** McElhone, Kathryn; Parent, Sonia; ComApproval / Approbation (DFO/MPO); Williams, Jennifer; Quirion, Stephanie; Nielsen, Ingrid; Morris, Christina

**Subject:** FYI only - latest TMX Communications products still going through approvals

Attached for your information are the latest TMX Communication Products (GOC Statement on the BC Paper)

- Joint statement Min. Garneau (TC), Min. McKenna, Min. Carr, Min. LeBlanc – English only / Currently with PMO for review
- Letter from Minister McKenna to B.C. Minister of Environment and Climate Change Strategy – English only / Currently with PMO for review
- DFO's Canadian Science Advisory Secretariat (CSAS) – both Eng. And Fr.
- Government of Canada Activities related to Spill Management – both Eng. And Fr.

Please be advised that these products incorporate changes from PCO and that additional changes from PMO are forthcoming. We are sharing so they can be up to speed on the latest version. We will share the final with you as soon as we receive it.

Note that key messages have been sent to you for disaster check under in a separate email.

Feel free to contact me with any questions.

Thanks,

Tina

## Blewett, Catherine

---

**From:** Kahn, Zoe  
**Sent:** April-26-18 6:16 AM  
**To:** Blewett, Catherine  
**Subject:** Fw: Updated with TC DM-Approved changes: For Disaster Fact Check: Revised key messages for GOC Statement on BC Paper  
**Attachments:** Key Messages - OPP TMC BC paper response v8.doc  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Fyi....

Sent from my BlackBerry 10 smartphone on the Bell network.

---

**From:** Morris, Christina <[Christina.Morris@dfo-mpo.gc.ca](mailto:Christina.Morris@dfo-mpo.gc.ca)>  
**Sent:** Wednesday, April 25, 2018 23:39  
**To:** Malko, Carol; Jarjour, Jasmine; Kahn, Zoe; Butcher, Ashley; Mackenzie, Joey; Hutchinson, Jeffery  
**Cc:** Williams, Jennifer; McElhone, Kathryn; Nielsen, Ingrid; Parent, Sonia; Quirion, Stephanie; Perron, Heloise; Parisien, Renée; Sloan, Glen; Parkes, Sara; Jenkins, Phil; ComApproval / Approbation (DFO/MPO); Morris, Christina  
**Subject:** Updated with TC DM-Approved changes: For Disaster Fact Check: Revised key messages for GOC Statement on BC Paper

Attached for your information is the updated version of the key messages including changes from TC's DMO.  
Feel free to contact me with any questions.  
Thanks,  
Tina

---

**From:** ComApproval / Approbation (DFO/MPO)  
**Sent:** April-25-18 7:25 PM  
**To:** Malko, Carol; Jarjour, Jasmine; Kahn, Zoe; Butcher, Ashley; Mackenzie, Joey; Hutchinson, Jeffery  
**Cc:** Morris, Christina; ComApproval / Approbation (DFO/MPO); 'Jennifer.Williams@dfo-mpo.gc.ca'; McElhone, Kathryn; Nielsen, Ingrid; Parent, Sonia; Quirion, Stephanie; Perron, Heloise; Parisien, Renée; Sloan, Glen; Parkes, Sara; Jenkins, Phil  
**Subject:** URGENT: For Disaster Fact Check: Revised key messages for GOC Statement on BC Paper  
**Importance:** High

For DM and Commissioner disaster fact check – attached you will find the revised Whole-of-Government Key Messages on the BC Response Paper.

Transport Canada's DMO has this version now and is reviewing as well.

We are sending out for a final disaster check before the Statement (which is still with PCO for review) is issued early tomorrow morning. Please send through any changes/comments you have as soon as possible tonight.

Thanks in advance for your help with this. Do not hesitate to contact me with any questions.

Tina

Christina (Tina) Morris  
Manager/Gestionnaire  
Ministerial Events and Editorial Services  
Department of Fisheries and Oceans/ Pêches et Océans Canada  
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[christina.morris@dfo-mpo.gc.ca](mailto:christina.morris@dfo-mpo.gc.ca)

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## Oceans Protection Plan, Kinder Morgan Pipeline, WofG response to BC Paper

### Key Messages

#### Overarching

- The Government of Canada takes its responsibilities as a national government seriously to ensure that a strong economy and a clean environment go hand-in-hand to benefit all Canadians.
- We will ensure Canada's resources are developed in a way that is informed by rigorous science and evidence, aligns to Canada's climate change plan, protects Canada's rich natural environment, respects the rights and treaties of Indigenous Peoples, and supports our economy.
- We have a strong regime in place to protect the environment in land and marine areas under our jurisdiction, and we are committed to continuous improvement in this respect.
- The Government of Canada approved the twinning of Kinder Morgan's Trans Mountain Expansion Project in the national interest.
- The Government of Canada stands by its decision to approve the Kinder Morgan's Trans Mountain Expansion project. The project was approved, with 157 legally binding conditions, within the context of Canada's climate action plan and after a rigorous review based on science and evidence, as well as extensive consultations with Indigenous peoples and other relevant parties.
- The Government of Canada's unprecedented \$1.5 billion Oceans Protection Plan—the largest investment ever made to protect our coasts and waterways—will lead to cleaner and safer coasts. This plan will provide greater protection to our coast after this project is built than what exists today.
- We have introduced the *Pipeline Safety Act*, strengthened pipeline safety, and enshrined the 'polluter pays' principle into law. Our new measures enhance prevention, preparedness and response, liability and compensation.
- We are developing a marine safety system that rivals any in the world. The marine safety improvements from the Oceans Protection Plan, coupled with the stringent project conditions for the project, will put extraordinary safeguards in place for all vessels, including those carrying petroleum products.
- Multiple layers of protection and prevention exist. In the very unlikely event of a spill on land or on water, the industry transporting the product is responsible for costs related to cleanup and pollution damage and to compensate others for any losses, with no limit to their liability.
- The Government of Canada's commitment to protecting British Columbia's coastal ecosystems – and all our coastal ecosystems – is clear and unequivocal. We are focused on action, not rhetoric, on science, not opinion and on engagement, not confrontation.

#### Prevention Measures:

- As a result of the conditions imposed on this project, there will be an additional tanker a day that will be escorted by tugs at all times from terminal to open water.

- Through the Oceans Protection Plan, the Canadian Coast Guard is leasing two emergency tow vessels to enable rescue towing of large vessels including container ships on the West Coast, and adding tow kits to key vessels, including those on the coast of BC.
- All project tankers are double hulled and are inspected on their first trip to Canada, and are inspected once a year thereafter
- We are adding six radar installations in B.C. to improve navigation and to better protect the coast from all sources of pollution.

**Response Measures:**

- The conditions of the TMX approval included response times that are twice as fast as exist today.
- Emergency response in southern BC is being enhanced with the addition of five new spill-response stations and virtually doubling employee and fleet capacity. All funded by industry.
- First Nations know these waters because they are their home. They are our partners in designing and implementing the measures we are taking to strengthen protection and response under the Oceans Protection Plan.

## Blewett, Catherine

---

**From:** Fox, Christiane <Christiane.Fox@pco-bcp.gc.ca>  
**Sent:** April-26-18 1:53 PM  
**To:** 'Lucas, Stephen (EC)'; 'Keenan, Michael (Ext.)'; Blewett, Catherine; 'Drouin, Nathalie G. (DM/SM)'; Tapley, Catrina; Maheu, Chantal; 'Tremblay, Christyne (NRCAN/RNCAN)'; Hutchinson, Jeffery; Stringer, Kevin; 'Saranchuk, Andrew'; 'SamanthaMaislin.Dickson@justice.gc.ca'; 'Labonté, Jeff (NRCAN/RNCAN)'  
**Cc:** O'Leary, Alison; Kuhn, Steven; Hargrove, Glenn; MacKillop, Ken  
**Subject:** RE: Documents to be public tomorrow  
**Attachments:** BC spill Response Paper - Key Messages (TC).docx; BC Reference Question (Justice).docx; CSAS DilutedBitumen report - Media Lines April (DFO).docx; OPP - KEY MESSAGES EVERGREEN April 2018 (EN) (DFO-TC).docx; OPP - KEY MESSAGES EVERGREEN April 2018 (FR) (DFO-TC).docx; TMX - BC (NRCAN).docx; TMX - Media Lines (NRCAN).docx; TMX - messaging (Finance Canada).docx; TMX - Q's and A's (NRCAN).doc

**Importance:** High

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi,  
Our comms folks have received the various products for today (the spill response paper, the reference Q, science report, etc.) and I wanted to share these docs with all of you following the call this morning. I will go through them but in case it can help your Minister and QP lines I wanted to share asap. Chris

**From:** Fox, Christiane  
**Sent:** April 25, 2018 6:50 PM  
**To:** 'Lucas, Stephen (EC)'; 'Keenan, Michael (Ext.)'; 'Blewett, Catherine'; 'Drouin, Nathalie G. (DM/SM)'; Tapley, Catrina; Maheu, Chantal; 'Tremblay, Christyne (NRCAN/RNCAN)'; 'Hutchinson, Jeffery'; 'Stringer, Kevin'; 'Saranchuk, Andrew'; 'SamanthaMaislin.Dickson@justice.gc.ca'; 'Labonté, Jeff (NRCAN/RNCAN)'  
**Cc:** O'Leary, Alison; Kuhn, Steven; Hargrove, Glenn; MacKillop, Ken  
**Subject:** RE: Documents to be public tomorrow

Attached is the latest version of the statement (not yet approved) for your info. I have also reattached all the docs for ease of reference to have in one email but they have not changed since my email below.  
Chris

**From:** Fox, Christiane  
**Sent:** April 25, 2018 6:21 PM  
**To:** Lucas, Stephen (EC); Keenan, Michael (Ext.); 'Blewett, Catherine'; Drouin, Nathalie G. (DM/SM); Tapley, Catrina; Maheu, Chantal; Tremblay, Christyne (NRCAN/RNCAN); Hutchinson, Jeffery; Stringer, Kevin; 'Saranchuk, Andrew'; 'SamanthaMaislin.Dickson@justice.gc.ca'; Labonté, Jeff (NRCAN/RNCAN)  
**Cc:** O'Leary, Alison; Kuhn, Steven; Hargrove, Glenn; MacKillop, Ken  
**Subject:** Documents to be public tomorrow  
**Importance:** High

Colleagues,

As per our call this morning, I wanted to share the latest version of 3 of the 4 products for tomorrow. Attached you have:

- The latest version of the letter to Min Heyman (now with the Minister for final approval, comments from the Centre included)
- The federal submission
- The DFO science report

The last piece is the statement. I saw a draft and made some changes. I understand it is making its way through depts. and mins and we will share it asap.

Merci.

Chris

**Pages 455 to / à 456  
are duplicates of  
sont des duplicatas des  
pages 451 to / à 452**

BC Constitutional Reference Question, to be made public 12:15pm EST time (9:15am PST)

We are aware that British Columbia has announced its reference questions that it will file with the British Columbia Court of Appeal. We are reviewing the questions. However, our position remains that federal jurisdiction in this matter is clear.

**Re: Canada's jurisdiction**

Federal jurisdiction in this matter is clear. Multiple courts, including the Supreme Court of Canada, have affirmed the federal government's jurisdiction over interprovincial pipelines, and a province's inability to block a federal project. We will continue to vigorously protect our jurisdiction.

**RE: TMX Pipeline**

The pipeline will be built respecting all of the National Energy Board's (NEB's) 157 conditions.

## **MEDIA LINES**

### **CSAS Report Fate and Behaviour of Diluted Bitumen**

**Issue:** In April 2018, DFO's Canadian Science Advisory Secretariat (CSAS) will post a Science Response Process Report, *Status Report on the Knowledge of the Fate and Behaviour of Diluted Bitumen in the Aquatic Ecosystems*, on the CSAS webpage. The report outlines the findings of a peer review process that took place on April 19<sup>th</sup> and 20<sup>th</sup>, 2017, which summarized *current* information about the fate, behaviour, biological effects, and mitigation techniques for diluted bitumen. The report serves to inform future research work and support current and future emergency response planning/preparedness and operations.

The report is expected to garner media attention.

#### **Media lines**

- The Government of Canada has and continues to conduct wide-ranging research to understand how different petroleum products behave in cold water, in fresh water, in brackish (briny) water and in marine conditions.
- Continued research in this area will help spill responders better understand and predict the behaviour of petroleum products in a variety of conditions in the marine and freshwater environments. This new knowledge will enhance Canada's ability to prepare for, and to respond to, oil spills.
- In April 2017, a science response process was held with Government of Canada researchers, international researchers, industry, and response organizations to summarize current information about the fate, behaviour, biological effects, and mitigation techniques for diluted bitumen in water.
- The published report will inform future research work, support current and future emergency response planning/preparedness and operations, as well as inform the public about the most recent findings on diluted bitumen in water.

#### **Report Conclusions**

- The report concluded that:
  - Diluted bitumen is a petroleum product which generally has similar chemical and physical properties as conventional oil products, and, like conventional oil products, its fate depends on various environmental factors at the spill site.
  - Spill response measures used for conventional oil products are similarly effective for diluted bitumen. However, because diluted bitumen's viscosity (thickness) and density can change more rapidly, response equipment designed for heavy oils

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Created by: Jennifer Northcott  
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Revised: 25-Apr-18 12:09 PM

(such as skimmers) need to be deployed more rapidly. Responders also need to be aware of the window-of-opportunity for the potential use of dispersants, where permitted by legislation.

- Further research will help us understand how diluted bitumen behaves in various types of water (marine, freshwater, rivers, etc.) and in various environmental conditions (waves, temperature, wind, etc.). More knowledge is also required to better understand environmental effects.

### ***Report Recommendations***

- The report makes various recommendations to inform future research work and support current and future emergency response measures. These include:
  - initiating additional diluted bitumen research in freshwater and cold-water conditions;
  - encouraging the development of innovative response options; and,
  - collaborating closely with industry in order to enhance emergency response.
- Many of these recommendations are currently being addressed through Canada's Oceans Protection Plan.
- The Government of Canada recently announced more than \$80 million for oil and gas research initiatives to improve the capacity and capability for marine emergency response, and help protect our coasts from oil spills. As part of this funding we are:
  - doing more research to better understand the behaviour of oil (including diluted bitumen) in various water conditions, how best to contain and clean oil, and how to minimize its environmental impacts;
  - funding external researchers to study the biological effects of diluted bitumen on fish and other aquatic organisms; and,
  - leveraging collaboration among leading oil response experts in Canada and abroad through a new Multi-partner Research Initiative.
- Under the Oceans Protection Plan, the Government of Canada is also working on a legal and operational framework, supported by science, to allow the use of alternative response measures as possible response options.

### ***Responsive***

#### ***On behaviour of diluted bitumen in water:***

- Recent research concludes that due to its density, fresh diluted bitumen will initially float on both fresh water and salt water. However, its density will change over time and, depending on the product, as it weathers and interacts with sediments, some of it may sink.



*On protecting our coasts from oil spills:*

- The Government of Canada is committed to safe, clean, and efficient marine transportation that improves marine safety and responsible shipping, while supporting economic growth.
- To achieve a world-leading marine safety system, the Government of Canada is putting in place concrete measures to enhance marine safety, to prevent and to better respond to marine pollution incidents.
  - The Canadian Coast Guard's 24/7 response will be strengthened to protect Canada's waters and lead the responses to marine emergencies, and ensure a coordinated response to spills to protect coastal environments and Canadians at sea.
  - Mariners, Indigenous communities and coastal communities will have access to real-time information on marine shipping activities and tools, making navigation safer in their local waters.
  - The Canadian Hydrographic Service will deliver modern and improved hydrography and charting in key areas of high traffic commercial ports and waterways, making navigation safer and reducing the risk of accidents.

*On alternative response measures:*

- Alternative Response Measures (ARMs) are oil spill response measures that do not use conventional mechanical containment or recovery techniques (such as booms and skimmers).
- There are four classes of ARMs:
  - **Spill treating agents** are products that change the behaviour of spilled oil in the environment to facilitate response and clean up (e.g., dispersants and solidifiers).
  - **In-situ burning** is the controlled burning of oil on the water's surface, which is contained using fire-resistant booms or within ice.
  - **Oil translocation** is the movement of oiled substrate (e.g., beach materials) back to the water's edge where it is exposed to the action of waves allowing the oil to be more easily recovered or biodegraded.
  - **Decanting** is a process whereby collected oil and water mixtures are allowed to separate and the water can be returned to the environment.
- Under the Oceans Protection Plan, the Government of Canada is working on a legal and operational framework, supported by science, to allow the use of alternative response measures as possible response options.

**Spokesperson:**

Ken Lee, National Senior Science Advisor, NHQ

**Program Contact:**

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Docket #:

Last saved by: Jennifer Northcott

Revised: 25-Apr-18 12:09 PM

**DRAFT**

Liisa Peramaki

**Communications Contact:**  
Jennifer Northcott

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# Oceans Protection Plan

## *Transport Canada's evergreen media lines*

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## OCEANS PROTECTION PLAN - GENERAL

### Background

In November 2016, the Government of Canada announced its national plan to improve marine safety and responsible shipping, protect Canada's marine environment and help advance Indigenous reconciliation. The new measures will increase the strength and capabilities of Canada's marine safety regime, build world-leading federal environmental response capacity, reduce risks associated with natural resources being imported and exported by ship, and improve economic prospects for the middle-class.

### Key messages

- Canada's coasts support Indigenous and coastal communities, enable international trade, are home to precious ecosystems, and play a key role in strengthening the economy and growing our middle class.
- Canada's coastlines are a source of inspiration and pride. Even for Canadians living inland, many of the jobs that support middle-class families, and the products used every day, depend on Canada's waterways.
- The Oceans Protection Plan is the largest investment ever made to protect Canada's coasts and waterways. This national strategy is creating a world-leading marine safety system that provides economic opportunities for Canadians today, while protecting our coastlines and clean water for generations to come.
- A strong economy and a clean environment go hand-in-hand.
- The Government of Canada is committed to a safe, clean, and efficient marine transportation system that improves marine safety and responsible shipping, while supporting economic growth.
- This \$1.5 billion national Oceans Protection Plan will help create economic opportunities for Canadians today, including jobs for middle-class Canadians, while protecting our waters for future generations.
- We have already announced initiatives worth more than \$500 million under the Oceans Protection Plan. And we are working in partnership with Indigenous peoples and close collaboration with local stakeholders and coastal communities on these initiatives.

- In the first year of the Oceans Protection Plan, the Government of Canada invested more than \$450 million through the Oceans Protection Plan. These investments will benefit our Pacific, Atlantic and Arctic coasts. Projects include:
  - modern hydrographic and navigational data for waterways in Victoria;
  - establishing seven new lifeboat stations across Canada's coasts;
  - reopening the maritime rescue sub-centre in St. John's;
  - launching Transport Canada's Abandoned Boats program and Fisheries and Oceans Canada's Abandoned and Wrecked Vessels Removal Program;
  - hosting a Symposium on addressing the key threats to the Southern Resident Killer Whale; and
  - building an Arctic Aerial Surveillance Complex in Iqaluit to support enhanced NASP operations and protect Canada's Arctic coast.
- The Plan will ensure that our coasts are protected in a modern and advanced way that ensures environmental sustainability, safe and responsible commercial use, and collaboration with coastal and Indigenous communities.
- The Government of Canada is working with stakeholders, Indigenous and local communities to develop and deliver Oceans Protection Plan measures to better protect our marine environment.
- The Oceans Protection Plan is being built on science, technology and traditional knowledge to protect Canada's unique marine environment from coast-to-coast-to-coast.

## VALUE STATEMENTS

- **MARINE SAFETY RELATED:** Protecting the marine environment and all users of Canada's oceans and waterways is of paramount importance. The Government of Canada, under the Oceans Protection Plan, is making sure our coasts are protected in a modern and advanced way.
- **MARINE SHIPPING RELATED:** Canada has the world's longest coastline, and the ocean is one of our most important resources. Canadians across the country rely on marine transportation to go about their everyday life or to deliver products to market in a safe and responsible way.
- **ABANDONED BOATS RELATED:** Abandoned or wrecked vessels are a growing problem across Canada. That is why the Government of Canada, under the Oceans Protection Plan, is working diligently to deter this irresponsible practice and to clean up vessels of immediate concern. Through the Small Craft Harbours, Abandoned and Wrecked Vessels Removal Program, and the Abandoned Boats Program, the Government of Canada facilitates the removal of abandoned boats, educates boat owners about their responsibilities, and supports research into improving recycling options.
- **ECOSYSTEMS RELATED:** Canada is fortunate to have some of the most spectacular coastlines in the world, serving as a home to rich biodiversity and precious ecosystems. The Government of Canada, under the Oceans Protection Plan, is taking action to preserve and restore these marine ecosystems vulnerable to increased marine shipping and development.
- **COASTAL RESTORATION FUND:** The protection and restoration of the environment is a top priority of the Government of Canada, which is committed to providing resources for environmental protection and restoration for the benefit of all Canadians.
- **INDIGENOUS RELATED:** Indigenous coastal communities share ties to Canada's oceans that span generations. They value them as a source of livelihood, food security, and transportation routes. The Oceans Protection Plan is providing Indigenous peoples with new opportunities to protect, preserve, and restore Canada's oceans and sea routes.
- **SCIENCE SPECIFIC:** The Government of Canada is committed to keeping our marine and coastal areas clean and safe for the benefit of current and future generations. These investments under the Oceans Protection Plan will ensure that Canada provides the best scientific advice and tools to protect our coasts.

## **STRENGTHENING INDIGENOUS PARTNERSHIPS**

- Indigenous coastal communities share ties to Canada's oceans that span generations. They value them as a source of livelihood, food security, and transportation routes. The Oceans Protection Plan is providing Indigenous peoples with new opportunities to protect, preserve, and restore Canada's oceans and sea routes.
- The Government of Canada respects Indigenous rights and is working in partnership with Indigenous communities to implement the Oceans Protection Plan.
- The Government of Canada is building Indigenous partnerships in the marine safety system, creating two new Coast Guard Auxiliary chapters; launching an Indigenous Community Boat Volunteer program; and creating Indigenous Community Response Teams.
- We are increasing participation of Indigenous peoples, coastal communities and women by providing training opportunities and including Indigenous Traditional Knowledge in decision making.
- The Oceans Protection Plan is creating long-term training and jobs for Indigenous communities across Canada, ensuring a meaningful role in emergency response and waterway management that protects communities and livelihoods, while addressing their concerns about marine shipping.

## SOUTHERN RESIDENT KILLER WHALES

### General

- Through the Oceans Protection Plan, the Government of Canada is committed to preserving and restoring coastal marine ecosystems that are vulnerable to increased marine shipping.
- The Government of Canada is committed to supporting the recovery of the Southern Resident Killer Whale and is taking action to address threats to these whales.
- We will advance work in four key areas to reduce impacts on Southern Resident Killer Whales. These include:
  - Reducing underwater noise from marine traffic by developing a strategy that incorporates both voluntary and mandatory measures;
  - Reducing the impact of persistent contaminants that threaten the recovery of resident killer whale populations;
  - Improving whale access to an adequate food supply, and restoring coastal salmon habitat; and
  - Strengthening science, including new research into cumulative effects to establish baselines to inform actions.

### What are we doing?

- The Government of Canada is working with domestic and international partners to explore ways of limiting vessel interactions with whales. Specifically:
  - We are working with American partners, including the U.S. National Oceanic and Atmospheric Administration and the State of Washington, to identify opportunities for collaborative action.
  - At the international level, we are engaging with the International Maritime Organization Member States to enhance the collective understanding of vessel noise and measures to mitigate it.
- Transport Canada is also currently looking at the marine safety risks associated with noise reduction measures, such as vessel slowdowns and lateral movement of vessels within shipping lanes, to ensure the best decisions can be made. We will continue to work with partners on these and other measures to effectively and safely reduce vessel noise.

### Budget 2018 / protecting endangered whales

- With Budget 2018, the Government is investing \$167 million in science and management measures that will address the primary threats to Southern Resident Killer Whales and other endangered whale populations.
- Under the Oceans Protection Plan, Transport Canada has been working closely with industry stakeholders, Indigenous peoples, environmental NGOs, academia, the scientific community, and international partners to identify, test and analyze options to reduce both underwater noise from vessels and vessel strikes. We will continue to work collaboratively with these groups to further develop and implement the measures announced in Budget 2018.



What have we done?

- The Government of Canada organized the Southern Resident Killer Whale Symposium in Vancouver in October 2017. The Symposium encouraged dialogue between scientists, other experts, as well as government officials. This helped improve understanding of the options and shared responsibilities associated with protecting and supporting the recovery of this species.
- Broad collaboration is crucial to support the recovery of the Southern Resident Killer Whale. Many departments and organizations are actively pursuing initiatives aimed at supporting the recovery of these whales. For example, Fisheries and Oceans Canada launched consultations, *Let's Talk Whales*, an online public consultation on the recovery measures for three whale species in Canada, including Southern Resident Killer Whales.
- The Vancouver Fraser Port Authority's Enhancing Cetacean Habitat and Observation (ECHO) program led a voluntary trial vessel slowdown in Haro Strait, where the data collected on changes in the acoustic environment and whale behaviour will inform future actions. Early results from this trial are showing significant noise-reduction benefits. This is just one example of collaborative action being undertaken to identify measures to reduce threats to Southern Resident Killer Whales off the coast of British Columbia.

If pressed about speed restrictions on the West Coast:

- The speed restriction in the Gulf of St. Lawrence was in response to a unique situation in which North Atlantic right whales had migrated into areas where they are not normally present. Evidence indicates that some of the whales were struck by vessels and entangled in fishing gear. Research by the National Oceanic and Atmospheric Administration in the United States indicates that slowing vessels down to 10 knots reduces the risk of collision and minimizes the risk of death of a whale if struck.
- Transport Canada does not have speed restrictions in place on the West Coast, but slowdowns are being explored in the region as a means of reducing vessel noise.

Washington State Executive Order on SRKW (March 2018)

- Canada welcomes this important initiative to support recovery of the Southern Resident killer whale and looks forward to ongoing engagement with our partners in the US to ensure effective actions are taken across our borders.
- Transport Canada has been working with the United States through the National Oceanic and Atmospheric Administration and the United States Coast Guard, as well as Washington State officials, ports, and ferry service providers to identify areas for collaboration on underwater vessel noise. Opportunities that have been, and continue to be explored, include vessel slowdowns in shared waters, and collaboration on education and outreach campaigns.

- Transport Canada officials also participated in meetings of the **Boston Noise Consortium** organized by the New England Aquarium, to discuss benefits of retrofits and vessel design to reduce noise.

#### Petition for Emergency Protection Order for Southern Resident Killer Whales (February 2018)

- The Government of Canada is committed to identifying measures that will reduce the underwater noise levels in the Salish Sea to contribute to the recovery of the Southern Resident Killer Whale.
- Transport Canada is working with the Department of Fisheries and Oceans and Environment and Climate Change Canada to ensure the recommendations contained in the petition are given due consideration.
- The Government of Canada has been working closely with Indigenous peoples, industry stakeholders, environmental NGOs, academia, the scientific community, and international partners to identify, test and analyze options to reduce underwater noise from vessels.

Document Released Under the Access to Information Act / Document divulgué en vertu de la Loi sur l'accès à l'information

## ADDRESSING CANADA'S ABANDONED BOATS

### National strategy to address abandoned and wrecked vessels

- The national strategy on abandoned and wrecked vessels is an important component of the Oceans Protection Plan that contributes to the Government's broader goal of preserving and restoring Canada's marine ecosystems.
- This strategy focuses on preventing the occurrence of new problem vessels, and addressing existing vessels.
- The *Wrecked, Abandoned or Hazardous Vessels Act* (Bill C-64) is an essential component of this strategy. Other important measures that will help prevent problem vessels include: improving vessel owner identification; education and outreach activities; and, supporting vessel recycling and design.
- This strategy will also address existing vessels by supporting the removal of smaller high-priority legacy vessels posing a risk, and developing a robust polluter pays approach for future vessel clean up.
- An inventory of existing abandoned and wrecked vessels will also be created to provide evidence on risks posed and allow for priority vessels to be identified for action.

### Proposed legislation concerning wrecks, abandoned, dilapidated and hazardous vessels and salvage operations

- The *Wrecked, Abandoned or Hazardous Vessels Act* will be the first of its kind in Canada. It will strengthen owner responsibility and liability for their vessels, including costs for clean-up and removal; address irresponsible vessel management, including prohibiting vessel abandonment; and enhance federal powers to take proactive action on problem vessels.
- The intent of the new legislation is to contribute to the protection of communities, the environment, including coastlines and shorelines, and infrastructure, from negative impacts arising from these problem vessels.

### Nairobi International Convention on the Removal of Wrecks, 2007

- Canada's implementation and accession to the *Nairobi International Convention on the Removal of Wrecks, 2007* will make vessel owners liable for the costs associated with hazardous wrecks resulting from marine incidents.
- Owners of large vessels will have to maintain insurance coverage in accordance with the *Nairobi International Convention on the Removal of Wrecks, 2007*.
- The Government of Canada is taking action to address vessels that cause hazards, before they harm the environment and become a burden on taxpayers.
- Canada takes its international responsibilities seriously. Incorporating the *Nairobi International Convention on the Removal of Wrecks, 2007* into Canadian law will allow Canada to join 37 other countries who have adopted these international rules for the prompt and effective removal of wrecks.

## Transport Canada's Abandoned Boats Program

- On May 31, 2017, the Government of Canada launched the first initiative under its national strategy on abandoned and wrecked vessels. The Abandoned Boats Program is a \$6.85 million initiative under the Oceans Protection Plan that will preserve and protect our coasts and waterways. The program includes funding support to:
  - Assist communities in the assessment, removal and disposal of existing high priority abandoned and/or wrecked small boats posing a hazard in Canadian waters;
  - Educate small boat owners about how to responsibly manage their end-of-life boats; and
  - Support research on boat recycling and environmentally responsible boat design.
- The new Abandoned Boats Program helps communities pay to remove and dispose of the highest priority abandoned or wrecked small boats posing a hazard in Canadian waters.
- Through this new program, existing abandoned small boats can be removed, which would support the preservation and restoration of Canada's marine ecosystems.
- In addition, the new program will also better inform Canadians about their responsibilities to properly dispose of boats which will decrease the number of vessels abandoned on our coasts.
- The Abandoned Boats Program will support the federal government's collaboration with provincial, territorial, municipal and Indigenous communities, as well as ports, to assist the clean-up of existing smaller boats that pose risks to our coasts and waterways.

## OIL TANKER MORATORIUM ACT

- The Government of Canada introduced the *Oil Tanker Moratorium Act* in Parliament to formalize an oil tanker moratorium on British Columbia's north coast.
- This legislation will prohibit oil tankers carrying crude and persistent oils as cargo from stopping, loading or unloading at ports or marine installations in northern British Columbia.
- The moratorium will extend from the Canada/United States border in the north, down to the point on British Columbia's mainland adjacent to the northern tip of Vancouver Island, and also includes Haida Gwaii.
- Vessels carrying less than 12,500 metric tonnes of crude or persistent oil as cargo would continue to be permitted in the moratorium area to ensure northern communities can receive critical shipments of heating oils and other products.
- The legislation proposes strong penalty provisions for contravention that could reach up to \$5 million.
- The oil tanker moratorium is another action that the Government of Canada is taking to protect our coasts and waterways. The Government is also investing \$1.5B in the Oceans Protection Plan, a national strategy to create a world-leading marine safety system that provides economic opportunities for Canadians today, while protecting our coastlines for future generations.

### Responsive

- *The Oil Tanker Moratorium Act* legislation was based on the Government of Canada's extensive consultations with Canadians.
- Starting in January 2016, the Government of Canada held 75 engagement sessions to discuss improvements to marine safety and formalize the oil tanker moratorium. Of note, the Minister of Transport engaged directly with all Indigenous groups along the north and central coast of British Columbia that would be affected or expressed an interest in the moratorium. The Government held 20 meetings with Indigenous groups and received numerous letters where a broad range of views on the moratorium were expressed. Further, as part of the Government's consultation efforts, a detailed proposal of the moratorium was shared on November 29, 2016.
- Industry stakeholders from various oil and gas industries participated in 14 meetings and submitted 20 letters expressing views on the moratorium. Roundtable and bilateral meetings were held with provincial and territorial governments, and communities across Canada. An online portal was also available, where approximately 330 Canadians provided their input and shared their views on the moratorium and marine safety.
- The federal government is committed to continue working with Indigenous groups and stakeholders across the country to advance measures to enhance marine safety, protect the environment and communities, and support economic development. This includes working with these groups on the \$1.5 billion national Oceans Protection Plan - the largest investment ever made to protect Canada's coasts and waterways.

- Vessels carrying less than 12,500 metric tonnes of crude or persistent oil as cargo would continue to be permitted in the moratorium area to ensure northern communities can receive critical shipments of heating oils and other products.
- The legislation also proposes flexibility for amendments: petroleum products can be removed from the list on the basis of science and environmental safety. Products may also be added on this basis.
- Bill C-48 was introduced in the House of Commons on May 12, 2017. It then passed first and second reading and was sent to the Standing Committee on Transportation, Infrastructure and Communities who studied the legislation. The Standing Committee passed the Bill with one amendment to Clause 6, requiring the Minister to publish notice of exemption and make it accessible to the public on the internet or by any other means that he or she considers appropriate. It will continue to move through the Parliamentary process to third reading. When the Bill passes both Chambers, it will be given Royal Assent and will become law.

## ALTERNATIVE RESPONSE MEASURES

- The prevention of spills from vessels and how we respond to spills remains key to protecting our coasts and waterways. That is why the Government of Canada launched several initiatives under the Oceans Protection Plan that will not only strengthen our responses to pollution incidents from ships, but also focus on the prevention of spills.
- Canada's Oceans Protection Plan's is designed to create a world-leading marine safety system that will protect our coasts and waterways. This means improving how we prevent and respond to marine pollution incidents.
- To better prevent against marine pollution incidents, the Oceans Protection Plan will provide better information on marine traffic areas for safer navigation, proactive vessel management, develop emergency response plans tailored to local needs, increase on-water presence and response capacity, and expand the role of the Canadian Coast Guard.
- A world-leading marine safety system also requires access to the best technologies and methodologies available for response. That is why the Government of Canada is introducing the Alternative Response Measures initiative.
- The Alternative Response Measures initiative expands the range of options available to respond to and clean up ship source oil spills, demonstrating the Government of Canada's ongoing commitment to protecting the environment and other important resources, while building a world-leading response system to oil spills.
- Alternative response measures are techniques, products, and processes that offer an expanded range of options for reducing the environmental impact of an oil spill beyond conventional mechanical containment and recovery techniques, such as booms and skimmers. Alternative response measures can include spill treating agents, decanting, in-situ burning and oil translocation.
- The careful and appropriate use of these additional methods will reduce the impact of an oil spill on the environment.
- Alternative response measures would only be authorized after weighing the advantages and disadvantages of a range of possible options to protect and clean-up the environment after a ship-source oil spill.
- Alternative response measures have been used successfully in responding to major spills elsewhere in the world, such as in Australia, Norway, the United Kingdom and the United States.
- The Government of Canada is working on a legal and operational framework, supported by science, to allow the use of alternative response measures as response options. Amendments to the Canada Shipping Act, 2001, will be required to enable the use of alternative response measures and clarify the legal authorities surrounding their use in Canadian waters.
- The Government of Canada is working with Indigenous peoples and stakeholders to seek their input and hear their concerns as we explore options for including these measures as a response option.

## CUMULATIVE EFFECTS OF MARINE SHIPPING INITIATIVE

- Assessing the environmental effects of marine shipping is another action that the Government of Canada is taking to protect our coasts and waterways.
- This investment of more than \$9 million over 5 years is an additional step towards building a world-leading marine safety system that provides economic opportunities for Canadians, while also protecting our environment and coastlines for the future.
- Transport Canada's national Cumulative Effects of Marine Shipping initiative will identify the effects of existing and future vessel movements on the environment.
- The Government of Canada will work with Indigenous groups, local stakeholders and coastal communities to determine key concerns and help collect coastal baseline environmental information.
- Data will be collected at six pilot sites that vary in terms of current and projected marine shipping activity and coastal environment types:
  - Northern British Columbia
  - Southern British Columbia
  - St. Lawrence River, Quebec
  - Bay of Fundy, New Brunswick
  - South Coast Newfoundland
  - Eastern Arctic Nunavut
- Collaboration is the cornerstone of programs and initiatives launched under the Oceans Protection Plan, and the Cumulative Effects of Marine Shipping initiative is one example of how the government will work with Indigenous groups, coastal communities and the maritime industry.



## **TMX - BC Key Messages**

- The Government of Canada takes its responsibilities seriously to ensure a strong economy and a clean environment go hand-in-hand to the benefit of all Canadians.
- We stand by our decision to approve the Trans Mountain Expansion, just as we stand by our commitments to British Columbians and all Canadians to implement world-leading measures to protect the environment and our coasts.
- Canada is internationally recognized as a sound place to invest, and getting our resources to global markets is critical for creating good middle-class jobs.
- The Government of Canada's historic investment of \$1.5 billion dollars in the national Oceans Protection Plan demonstrates our commitment to safeguard our coasts. By maximizing every safeguard against a spill happening in the first place, it will protect our coasts and marine life, while improving regional plans with partners; primarily coastal and Indigenous communities who have irreplaceable, on-the-ground and traditional knowledge
- The prevention, preparedness, response, liability and compensation measures that we have deployed under the Rail Safety Act and Pipeline Safety Act ensure that Canada maintains the highest safety and security standards in all modes of transportation.

### ***BC's Consultation Paper***

- British Columbia has begun a 60-day engagement process on a "policy intentions paper" with the goal of enhancing spill management in the province.
- We applaud the province's efforts to close any gaps in the provincial system for spill response.
- And, we share the goal of safeguarding Canada's coasts – which is why we made a generational investment of \$1.5 billion in the national Oceans Protection Plan.
  - BC's paper does not reflect this OPP investment, which benefits the province and is the basis of considerable ongoing federal-provincial collaboration, nor does it reflect significant federal enhancements to marine, rail and pipeline safety in recent years.
- We expect that any outcome of this process will respect federal jurisdiction.

### ***Court Cases/References to the NEB***

- Our decision on the Trans Mountain Expansion remains in the national interest. It was a decision based on facts and evidence – this has not changed.

March 1, 2018

- The project is subject to 157 legally-binding conditions to protect the environment and ensure it moves forward in the safest, most environmentally-sound manner.
- The National Energy Board is focused on compliance with the conditions and has the tools and expertise to deal with issues that arise in a timely way.
  - In December, the National Energy Board dealt with disputed and delayed permitting processes (Burnaby) and set up a dedicated process to quickly manage future permitting delays – if they arise.
  - The compliance process is proceeding in a timely manner with construction at the marine terminal started and steps to finalize the detailed route underway as planned.
- We understand that BC intends to ask the British Columbia Court of Appeal (BCCA) for guidance on whether BC can regulate the flow of bitumen through an interprovincial pipeline. We are confident that the Court will respond in a manner that is consistent with Canada's position on federal authority over interprovincial pipelines.
- We may have more to say on this matter once BC actually files their reference with the BCCA.
- We will not tolerate unnecessary delays on TMX. Whether before the NEB or the federal court, we will stand behind our decision to get TMX built in the interests of all Canadians.

#### ***On Jurisdiction***

- Neither British Columbia's consultation on enhancements to spill management nor their court reference on bitumen change the fact that TMX falls under federal jurisdiction.
- We expect British Columbia to propose regulations that respect federal jurisdiction.
- We will not tolerate unnecessary delays on TMX. Whether before the NEB or the federal court, we will stand behind our decision to get TMX built in the interests of all Canadians.

#### ***Common interests***

- We share common interest in marine safety. It is why the Government is investing \$1.5 billion dollars in the national Oceans Protection Plan to safeguard our coasts, and partner with Indigenous and coastal communities to ensure the health of our marine environment.

March 1, 2018

- We welcome British Columbia's efforts to explore how, within its own jurisdiction, it can support efforts to protect our waters and coastal communities. Yet we would hope that BC does so realizing that the impacts and benefits of the Trans Mountain expansion project reach beyond its borders and stands to benefit Canadians across the country, just as the existing Trans Mountain pipeline has done since 1953.
- We share commitment to protecting the environment and having world-leading response. It is why we are investing in new equipment, resources and science on spill response, including understanding oil and water.
- We share interest in having strong legal frameworks. It is why we deployed the *Rail Safety Act* and the *Pipeline Safety Act* with new prevention, preparedness, response, liability and compensation measures to establish the highest safety and security standards.

#### ***TMX & Impact Assessment Legislation***

- On February 8, 2018, the Government of Canada introduced legislation that will put in place better rules for major projects to protect our environment, and allow good projects to get built.
- The legislation is now in Parliament for consideration – our goal is to have the new rules come into effect by Spring 2019, subject to Parliamentary approval.
- These new rules will apply to the over \$500 billion worth of new projects in the queue - *not to TMX*.
- The Government of Canada already approved TMX based on facts and evidence, as being in the national interest. Nothing in the proposed legislation changes this.

#### ***Do you still trust the National Energy Board to oversee construction of TMX?***

- Yes.
- The National Energy Board is diligently ensuring compliance with the 157 conditions that the Government implemented when we approved TMX, and has the tools and expertise to deal with issues that arise in a timely way.
  - In December, the National Energy Board dealt with disputed and delayed permitting processes (Burnaby) and set up a dedicated process to quickly manage future permitting delays – if they arise.
  - The compliance process is proceeding in a timely manner with construction at the marine terminal started and steps to finalize the detailed route underway as planned.

March 1, 2018

- The Board is also collaborating with the TMX Indigenous Advisory and Monitoring Committee – where Indigenous communities participate in compliance, monitoring, and environmental study activities over the life span of the project.
- The National Energy Board has remained unchanged for 60 years. The modern, Canadian Energy Regulator would remain responsible for ensuring the safety and effectiveness of the energy sector. This responsibility will now be bolstered by a consistent approach to federal impact assessment across industry sectors.
- This approach is clear and is a strong basis for improving trust in our system here at home, and confidence internationally.

***Would TMX have been approved under the proposed Impact Assessment Act?***

- This is speculative.
- Our Government knew that the system had to be better – that is why we put the Interim Principles in place in January 2016.
- With these Interim Principles, our Government did TMX differently. We:
  - Added more, transparent consultations with Indigenous peoples
  - Engaged Canadians – online and in-person through a Ministerial Panel
  - Conducted an upstream assessment of greenhouse gas emissions
  - Created an Indigenous Advisory and Monitoring Committee to embed Indigenous engagement over the life of the project
- The proposed Impact Assessment Act, embeds these principles into a robust review process from beginning to end with:
  - Up front recognition of Indigenous rights and more funding to support Indigenous participation
  - A new early engagement phase, to work with Canadians, identify issues upfront and improve project design
  - Better science, Indigenous Traditional Knowledge, and upstream greenhouse gas analyses in integrated, transparent assessments.

February 2, 2018

## **MEDIA LINES**

### **Trans Mountain Expansion Project**

#### **ISSUE**

The Trans Mountain Expansion (TMX) Project, approved by the Government of Canada in November 2016, continues to be a contentious issue at both the federal and provincial level. The proponent, Kinder Morgan, has started construction at the Westridge Marine Terminal but has run into some difficulties with obtaining provincial and municipal permits, and recently pushed out its projected unmitigated in-service date to December 2020, which is a year behind schedule.

#### **KEY MESSAGES**

- We have taken an approach to resource development that will grow our economy and protect the environment. Our government believes that these priorities go hand-in-hand.
- The decision we took on the Trans Mountain Expansion Project was based on facts, science-based evidence and what is in the national interest.
- We recognize that not everyone agrees with the decision made by the government but we remain committed to working with provinces, territories and Indigenous peoples to ensure a strong economy while taking leadership on the environment.
- Growing a strong economy for the future requires taking leadership on the environment and we have done exactly that. That is what drove the decisions we made and we will stand by those decisions.

#### **LEGAL CHALLENGES AND OPPOSITION**

*On the ongoing litigation against the Government's decision to approve the TMX project and the applications for judicial review by the Federal Court of Appeal:*

- The Government of Canada will have no further comment at this time because the matter is before the courts.

*On whether the province of British Columbia can stop the project (NRCan/Justice)*

- The federal government has clear constitutional responsibilities for interprovincial rail and interprovincial pipeline infrastructure and marine protection.

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- The project has a valid federal environmental assessment and the proponent has now satisfied the conditions and secured the permits to proceed with the part of the project.
- Canada's governing system is strong and capable of finding resolution even on the most complex matters.

*On the Trans Mountain motion regarding municipal permits and City of Burnaby bylaws:*

- The National Energy Board is an independent regulator that appointed a panel to consider the Trans Mountain Motion.
- We respect the independence of the NEB to make these decisions.

*On the Trans Mountain motion regarding similar situations relating to municipal or provincial permits:*

- We indicated in our submission to the NEB that we were supportive of a process that would assist in resolving any conflicts over the issuance of municipal or provincial permits and are pleased to see that this is going to happen.

*On potential protests (NRCan)*

- The federal government is sensitive to the concerns of residents of [Burnaby] regarding the Trans Mountain Expansion Project and continues to work with all parties to address concerns.
- The right of individuals to gather and act in peaceful groups is protected under the Canadian Charter of Rights and Freedoms and the Government of Canada respects this right.

## **ECONOMIC BENEFITS**

- The \$7.4-billion project will have significant economic benefits as it is expected to provide \$3.3 billion in government revenues and thousands of new jobs during construction.
- Indigenous peoples will also benefit from jobs and business opportunities as a result of impact benefit agreements they have signed with the proponent.

*If pressed on jobs creation estimate:*

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- The Government relied upon a number of documents, correspondence and reports in examining the project's economic benefits including the impact on jobs, such as those from the National Energy Board, the Conference Board of Canada and Kinder Morgan Canada.

## **INDIGENOUS PEOPLES**

### *On Indigenous consultations for the project (NRCan)*

- No relationship is more important to our Government than the one with Indigenous peoples. We recognize that some Indigenous peoples are in support of this project, while others are opposed.
- The government's approach to consultations reflected the commitment to renew relationships with Indigenous peoples.
- The federal consultation with BC-based Indigenous groups was done jointly with the province of BC. Federal and provincial officials consulted with 118 potentially affected Indigenous groups.
- The Government of Canada has set aside \$64.7 million to fund the Indigenous Advisory and Monitoring Committee (IAMC) that will help make sure the conditions associated with the project are met and to fund compliance, monitoring, and environmental studies.

### *On Strengthening Indigenous Partnerships in the Oceans Protection Plan (TC)*

- The Government of Canada respects Indigenous rights and is working in partnership with Indigenous communities to implement the Oceans Protection Plan.
- The Oceans Protection Plan will create long-term training and jobs for Indigenous communities across Canada, ensuring a meaningful role in emergency response and waterway management that protects communities and livelihoods, while addressing their concerns about marine shipping.

### *On the Economic Pathways Partnership (NRCan)*

- The objective of the Economic Pathways Partnership (EPP) is to make it easier for Indigenous groups to access direct and indirect opportunities related to the pipeline project, and advance their broader economic development interests.

February 2, 2018

- Through the partnership, the Government is delivering a whole-of-government approach to existing federal economic development programs to more effectively respond to the needs of Indigenous communities, businesses and organizations.

## **PROJECT CONDITIONS AND PERMITS**

*On whether the 157 legally binding conditions have been met (NRCan/NEB)*

- The Government of Canada approved the project subject to 157 legally binding conditions related to construction, operation and decommissioning of the project.
- Before work begins, the National Energy Board will ensure that all the necessary pre-construction conditions have been met.
- Further questions on this process should be directed to Trans Mountain or the National Energy Board.

## **ENVIRONMENTAL PROTECTION**

*On impacts on caribou (ECCC)*

- The Government is committed to the protection and recovery of the caribou species.
- The NEB imposed six conditions on the company to ensure there is no net loss of caribou habitat. This includes demonstrating how it has considered Indigenous traditional ecological knowledge studies in identifying potential caribou habitat restoration sites.
- As part of the NEB's conditions, construction of the project will be timed to avoid disrupting the mating and migration of caribou.
- Environment and Climate Change Canada is continuing to work with BC to advance efforts to protect and recover this iconic species and its critical habitat while supporting sustainable economic development.

*On the Southern Resident Killer Whale and TMX (DFO/TC)*

- Before any shipping from the TMX project begins, the Government of Canada committed to advance work in four key areas to reduce impacts on Southern Resident Killer Whales. These include:
  - Reducing cumulative noise from marine traffic by developing both voluntary and mandatory strategies to reduce noise impacts;
  - Reducing the impact of chemical and biological pollutants that threaten the recovery of resident killer whale populations;



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- Improving whale access to an adequate and accessible food supply, and restoring coastal salmon habitat; and
  - Better science, including new research into cumulative effects to establish baselines to inform actions.
- Working closely with domestic and international partners, we are currently analyzing various options to reduce vessel noise in the critical habitat of the Southern Resident Killer Whale.

*On pollution prevention (e.g. oil spills) and environmental response (DFO)*

- Canada has a strong marine safety record. The \$1.5 billion national Oceans Protection Plan (OPP) enhances the marine incident prevention and response from coast to coast to coast.
- Under the OPP, researchers will examine how oil spills behave in water, how to best mitigate impacts, and how we can access the best technologies and methods available for environmental response.
- The Government will establish new and stronger international collaboration on oil spill research, ensuring we have access to the best world-wide knowledge on spill response technology and impacts.
- As part of our work to strengthen our preparedness and response, the Government continues to conduct wide-ranging research to understand how different petroleum products behave in marine and freshwater environments.

**PIPELINE SAFETY**

- The Government is working to restore public confidence by ensuring that pipelines undergo credible and robust environmental and regulatory reviews, and by having strong safety and life-cycle management regulations in place.
- The *Pipeline Safety Act* strengthens Canada's pipeline safety system by enshrining the 'polluter pays' principle into law.
- Companies will be held liable regardless of fault – \$1 billion for operators of major oil pipelines – and be required to have the financial resources to respond to potential incidents.
- The Act and its supporting regulations will ensure Canada maintains the highest safety standards for federally-regulated pipelines.

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## BACKGROUND

The Government of Canada approved Kinder Morgan's Trans Mountain Expansion Project on November 29, 2016, subject to 157 legally binding conditions that will be enforced by the National Energy Board (NEB) before construction can begin, during construction and during operations. The project will involve expanding the existing Trans Mountain pipeline system between Edmonton, Alberta, and Burnaby, British Columbia, which will increase the pipeline's capacity from 300,000 barrels to 890,000 barrels per day.

To support this project, the Government announced up to \$64.7 million over five years in new funding for an Indigenous Advisory and Monitoring Committee (IAMC) to provide for collaborative, inclusive Indigenous involvement in the review and monitoring of the environmental, safety and socio-economic issues related to TMX, the existing pipeline, and marine shipping related to the project.

The IAMC was co-developed over six months by Indigenous, federal government and NEB representatives. On July 17, 2017, Minister Carr, approved the establishment of the Committee and its Terms of Reference. The 19-member committee is comprised of 13 Indigenous members and six senior federal representatives, is co-chaired by Indigenous and federal committee members and is supported by a Secretariat.

The \$1.5 billion Oceans Protection Plan was announced on November 7, 2016. Since that time, a number of follow-on announcements have been made including increasing Coast Guard capacity, the introduction of the Oil Tanker Moratorium Act (Bill C-48) and the Let's Talk Whales consultations.

In June 2016, the Squamish Nation filed a legal challenge at the Federal Court of Appeals in Vancouver seeking a judicial review of the National Energy Board's (NEB) recommendation report last month to approve the project with conditions. After that, six more applications for judicial review of the NEB recommendation and nine applications for review of the Government's decision to approve were filed.

On September 1, 2017, the Federal Court of Appeal granted British Columbia intervenor status in the TMX litigation and on October 13, the Court finished hearing the 15 applications for Judicial Review. A decision from the Court is expected in mid-2018.

On September 8, Fisheries and Oceans Canada issued a permit for the expansion of the Westridge Marine Terminal. In addition, the Vancouver Fraser Port Authority approved the permit application for Kinder Morgan Canada to upgrade and expand a portion of its existing Westridge Marine Terminal.

The proponent has been able to start construction at the Westridge Marine Terminal but has run into some difficulties with obtaining other provincial and municipal permits, and recently pushed out its projected unmitigated in-service date to December 2020, which is a year behind schedule.

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On October 26, Trans Mountain submitted a motion to the NEB regarding municipal permitting and City of Burnaby by-laws and on November 14 submitted another motion requesting a Standing Panel to address future similar situations.

On January 18, 2018, the NEB ruled in the proponent's favour with regards to the Burnaby motion, allowing it to begin work in other parts of the city beyond the Westridge Terminal. It also set out a generic process to consider future similar requests relating to a project condition. Under this process, it will take approximately three to five weeks to reach a decision from the time a request is filed with the NEB.

## **TMX messaging from Finance Canada**

April 23, 2018

- Our goal remains to ensure that TMX is built. We have a number of tools available to us and we are looking at all options to ensure that this project is built in a timely manner.
- This project is in the economic interests of Canadians both during construction and when in service.
- It will strengthen Canada's position as a secure, stable global supplier of future oil demand, ensuring we can consistently finance our transition to a low carbon future.
- Once the Trans Mountain Expansion is up and running, it will give Canadian oil a safe and efficient route to world markets, including providing access to growing Asian markets. Producers will have greater opportunity to seek the best price for their product.

## **Trans Mountain Expansion Project**

### **Questions and Answers**

#### **Main questions and answers**

**Q. What happened in your meeting with the Premiers? Can you tell us what was said?**

A. Today isn't about what was said in the meeting. Today is about Canada. It's about the fact that our hardworking women and men in the energy sector are going through a tremendous change. There is great change under way in the fight against climate change too. And it is up to us, as the Canadian government, to make sure we are doing everything we can to ensure Canadians benefit from that change.

**Q. Yes, but according to Premier Notley and Horgan, the meeting was tense. What happened in there?**

A. There was a frank exchange of views and at the end the Premiers of British Columbia and Alberta did not agree.

But to be clear, we have been in constant contact – directly and through our officials – for months, in an effort to help the two sides find a resolution that will benefit all Canadians.

Because we need to be there for our people. This is not just about a pipeline. It's much bigger than that. It's about ensuring we give every Canadian a fighting chance to succeed. To be confident about their future and the future of their kids.

**Q. So you've just said you are initiating financial discussions with Kinder Morgan. What does this mean? Is the federal government taking an equity stake in the pipeline? If so, how large a stake? Are you going into partnership with Alberta on this?**

A. The finance minister is having those discussions and obviously we are not going to have them in public. We will have more to say about the details as we move forward. First they need to have the discussions.

But let there be no mistake: This project is going ahead. This is vital infrastructure and it is in the national interest. It will be built.

**Q. You also mentioned that you could pass legislation. What does that look like?**

A. I informed the Premiers that we are actively considering legislative options to assert the federal primacy that we know we already have. We will have more to say on that in the coming days.

**Q. Why has it taken so long for you to come to this view? Your government has added regulatory hurdles, environmental rules, and new layers of bureaucracy that many people say have just caused the delay that led to this crisis. What do you say to that?**

A. We understand what it takes to get things built in Canada. On pipelines, just like on so many other things, the previous government was all talk and no action. For ten years, they tried to force things through unilaterally and they got nowhere.

We know better. We know that this is about bringing people together. About talking to local communities and Indigenous groups, hearing their concerns, and finding a way forward together. And that is exactly what we've done.

**Q. What do you say then to Premier Horgan? He's obviously not going to agree.**

A. I say what I said to him today in our meeting: The Government of Canada has a responsibility to do what is in best interests of all Canadians and that is what we will do. I also reminded him that the BC Government fully approved the project, and all BC permits continue to be issued to this day.

The Canadian climate action plan, the oceans protection plan, are world-leading in terms of the degree of safety and protection they provide. The Province of Alberta is fully onside with climate action, in fact integral to it. We have an opportunity here, a historic one, to cement economic growth and lead on climate action and oceans protection. That is what we will do.

**Q. Why do we need to spend tax payer money to save this project? Is this going to be another Bombardier-style bailout, with taxpayers on the hook for big subsidies or loans to industry? It seems Kinder Morgan is holding all the cards here.**

A. As I said, the finance minister will have discussions and we won't negotiate in public.

On your Bombardier point though, let me just say this: Bombardier recently faced a gratuitous trade action from its biggest international rival, many times bigger and many times wealthier. We stepped in and we fought for Bombardier's workers and we won. We will always fight for Canadian workers – in our steel industry, in our aerospace industry, and in the oil patch.

**Q. The National Energy Program is a black mark in history for many Albertans. How can you assure Albertans that this isn't the federal government swooping in to take away resources that would have rightfully belonged to Alberta?**

**A.** Good question. You might remember that when I ran for the Liberal leadership in 2012 the first campaign stop I made was in Calgary. And I was asked at the time about the National Energy Program, and what a disaster it was, and what was I thinking putting my head in the lion's den.

Look, I was 11 at the time of the NEP. What I told Albertans five years ago is what I believe today: This is a great industry. It is Canada's most important export industry. It supports our ability to fund social programs. It actually supports the value of our currency. And I just don't think you can say to the pipefitter in Alberta that her job or his job is less important than the fisherman's in Newfoundland or the forestry worker's in B.C. or the factory worker's in Windsor. Canadians look out for other Canadians.

**Q. You've said you care about a nation-to-nation relationship with indigenous peoples. What do you say to all those indigenous leaders along this pipeline route who are opposed?**

**A.** To date, 43 First Nations/Indigenous groups have negotiated benefit agreements with the project. 33 of those are in BC. Sixteen are exercising their opposition in court, while the Musqueam, a prominent Lower Mainland Indigenous community, have dropped their case and we continue to partner with them to reach shared goals.

**Comment [JM1]:** 30 First Nations, 3 Metis – recommend using Indigenous communities/or groups

**Comment [JM2]:** Changed to six – was seven, then the Musqueam dropped litigation (total now six)

Canada completed the deepest consultation with rights holders that has ever been done on a major project in the history of this country. To fix the process, we opened up public consultations, eliminating the closed-door approach of the previous government, including an additional 4 months of consultations. Canada and First Nations also co-developed an Indigenous Advisory and Monitoring Committee, which will continue for the lifetime of the project.

I say let's continue to talk. Let's find a way to bridge the gap and address your concerns, as we have with so many indigenous peoples who strongly support the project, because of the work and other economic benefits it will provide during the construction phase. We're talking about thousands of direct jobs, in B.C., just during construction. Let's ensure those benefits are shared fairly, so all Canadians benefit.

**Q. Prime Minister, you convened the Premiers of Alberta and British Columbia to Ottawa to discuss the future of the pipeline yet you have not reached out to Indigenous leaders who are directly impacted by this Government's decision. Some are suggesting this is counter to your Government's message on rights recognition and reconciliation, why are Indigenous leaders not here with you today?**

**A.** I convened a meeting with Premiers Horgan and Notley to have a specific discussion around the actions of both provinces on this project and to underline again to both of them together in person, that the Government of Canada is committed to the Trans Mountain Expansion project, that the decision falls within the Government of Canada's constitutional authority and that following a rigorous scientific process and investments in the Oceans Protection Plan, the Government of Canada approved the pipeline with 157 conditions.

Our commitment to reconciliation and to a rights recognition framework has not waived. We engaged with Indigenous communities throughout the decision-making process and we will continue this engagement going forward.

**Q. Prime Minister, the Premier of British Columbia has indicated that he would be open to a joint reference to the Supreme Court, was this discussed today and is the Government open to such a reference?**

**A.** The Government of Canada has the constitutional authority to make the decision on this pipeline. I and several Ministers in my Cabinet have been very clear on that point. This project will be built, a decision was made based on balancing the environment and the economy. The Government continues to explore ALL options to build this project as soon as possible and all tools are on the table.

#### **Supplementary questions and answers**

**Q. What is Canada's goal for the Trans Mountain Expansion project?**

**A.** Our goal remains to ensure that TMX is built. We have a number of tools available to us and we are looking at all options to ensure that this project is built in a timely manner, to respect the decisions that have already been made by the Canadian government, the BC government, the AB government, and Indigenous communities.

We will not hesitate to undertake what is in the best interests of Canada and Canadians.

We are committed to seeing this pipeline built as part of a sensible strategy to advance our environment and economic interests - diversifying our markets,



improving environmental safety and creating thousands of good middle-class jobs, including in Indigenous communities.

**Q. What is the economic impact of the Trans Mountain Pipeline Expansion Project?**

A. This project is in the economic interests of Canadians both during construction and when in service.

It will strengthen Canada's position as a secure, stable global supplier of future oil demand, ensuring we can consistently finance our transition to a low carbon future.

There will be up to 15,000 direct jobs at peakthrough construction, with 9,000 of those jobs in British Columbia. In service, the project will employ about 450 people annually.

Once the Trans Mountain line is expanded, it will allow Canada to access global markets and get a fair price for our resources, which are currently bottle-necked on rail lines and the existing Trans Mountain pipeline, and suffering from a large discount on pricing. Producers will have greater opportunity to seek the best price for their product.

The Government's approach to achieving these economic benefits includes actions to protect the environment, through the Oceans Protection Plan that improves marine safety and responsible shipping, protects Canada's marine environment, and co-develops protections with Indigenous and coastal communities.

Unlocking today's bottle-neck of Canada's natural resources, and moving product off of unsafe rail and into pipelines, is consistent with the Government's climate change plan, including Alberta's Climate Leadership plan to be recognized as one of the world's most progressive and forward-looking energy producers.

**Q. What was the extent of Indigenous consultations undertaken as part of the project?**

A. Our government is committed to renewing the relationship with Indigenous peoples, based on the recognition of rights, respect, cooperation and partnership. We are committed to reconciliation and will work in partnership to address issues of importance to Indigenous communities.

The Government consulted 117 118 potentially impacted Indigenous rights holders, marking the deepest consultation ever undertaken by the Government of Canada on a major project.

For the first time, the results of the Indigenous consultations are transparently and publicly available.

To respond to what we heard during these consultations, the Government will provide up to \$64.7 million in funding for an Indigenous advisory and monitoring committee that was co-developed with First Nations and will work with Canada's regulators and the proponent to oversee environmental aspects throughout the project life cycle.

The Government also announced ~~that it will establish an~~ the Economic Pathways Partnership ~~to , which will grow~~ Indigenous job training and business opportunities.

In addition, the Government of Canada listened to and worked with Indigenous communities and these discussions informed the Government of Canada's national Oceans Protection Plan, which includes measures built on Canadian science, technology and traditional knowledge to protect and Canada's marine environment.

Overall, many Indigenous communities have demonstrated their support for the Trans Mountain Expansion project -- with 42 43 groups signing benefits and capacity agreements with the proponent and \$300 million in funding has been committed.

**Q. How comprehensive was the NEB review process?**

- A. Our Government has approved Kinder Morgan's Trans Mountain Pipeline Expansion Project, subject to 157 binding conditions that will be enforced by the National Energy Board (NEB) before construction can begin as well as during construction and operation. The conditions cover everything from project engineering and safety, to emergency preparedness, to air emissions and greenhouse gas emissions. On this basis, the Government has directed the NEB to issue a certificate for the project.

The NEB employs a comprehensive and robust review process that regulates the full lifecycle of pipelines and takes into consideration design, safety, community and environmental impacts of the pipeline.

The Trans Mountain Expansion project was subject to, and passed, a more rigorous review – over and above what was required by law in a new layer on Canada's review of major projects under the Canadian Environmental Assessment Act 2012 and the National Energy Board Act. The Government did ~~which required committing to more~~ Indigenous and public consultations, ~~considered~~ climate change impacts, and ~~incorporated~~ stronger science and Indigenous traditional knowledge.

A special Ministerial panel held 44 public meetings hearing more than 600 presentations, and receiving some 20,000 written and 35,000 on-line submissions.

**Q. Why did the Government approve the pipeline?**

When we approved TMX, we had completed the most thorough review of any energy project:

- The BC Government approved the project
- We consulted Indigenous communities together with the Province of British Columbia
- We assessed the projects direct and upstream greenhouse gas emissions
- We determined that it fit within the cap on emissions set by Alberta's climate plan
- We talked to Canadians – through a Ministerial Panel and digital engagement

As part of its decision, our Government also made a generational investment of \$1.5 billion in ocean safety to address legitimate concerns over spill prevention and response and provide significant additional protections for Burrard Inlet and the Salish Sea.

We satisfied ourselves that this is the best path for Canada – now, we stand behind our decision – confident in Canada's federal jurisdiction - to get TMX built in the interests of all Canadians.

**Q. Is the April 8 announcement by Kinder Morgan the first step towards them pulling out of the project?**

- A. No, we continue to believe this project will get built. Moreover, we continue to believe there is a strong business case for Kinder Morgan to build the project.

We understand that Kinder Morgan is concerned about new and unquantifiable risks created by the BC Premier. There is very clear primacy of federal jurisdiction for the project and we will defend Canadians' jurisdiction as required.

At the same time, Kinder Morgan continues to seek more than 1,000 individual permits and authorizations that are necessary to build the project. Given this, we understand that there is very little further physical construction that Kinder Morgan could undertake today.

We should bear in mind that few proponents would advance project construction too far while judicial reviews are ongoing.

**Q. What is the status of interactions with Alberta and with Kinder Morgan, related to the Trans Mountain Pipeline Expansion Project?**

- A. The Government of Canada wants to ensure that the project proceeds because it will deliver jobs and wealth to Canadians.

The Canadian government was approached by Kinder Morgan, which has expressed concern about provincial regulatory processes that are putting the project at risk.

The Canadian government has been engaged in discussions with the company to better understand the financial and legal risks that concern Kinder Morgan.

This discovery process includes issues such as the economics of the project, construction timelines, and the company's internal decision-making timelines and goals related to the May 31<sup>st</sup> deadline communicated by Kinder Morgan.

As we better understand the company's constraints and objectives, as well as potential federal approaches the government will move forward with the approach necessary to ensure the pipeline is built.

This may mean legislative action by the Canadian government. This may mean financial support for the project – and there are a range of financial instruments, but it is premature at this point to speculate about what is required and would be appropriate.

**Q. Will the Government be able to meet the May 31<sup>st</sup> deadline set out by Kinder Morgan?**

- A. The Government is working diligently with all parties to find a suitable resolution on this issue and move forward on getting the Trans Mountain Expansion built.

**Q. What is the Government doing to address uncertainty coming from British Columbia?**

- A. We are determined to find a solution to this problem.

All levels of Government should work together to stand up for thousands of Canadian jobs and give a vital boost to our economy to benefit Canadians from coast to coast to coast and we are prepared to take this issue to the courts.

*Examples of federal action:*

- We have been clear that we will not tolerate unnecessary regulatory delays or infringements on federal jurisdiction.

- We asked, and received a dedicated National Energy Board process to quickly manage any permitting delays.
- This has not been used as the governments of Alberta, British Columbia and Canada continue to grant project permits at pace.
- We will stand behind our decision to get TMX built in the interests of all Canadians including, if necessary, before the NEB and the courts.

**Q. How confident is the Government that this project is under federal jurisdiction?**

A. Very confident. This project is in the best interest of Canadians and that is why the Government approved it. The pipeline is a federally regulated interprovincial work and the Canadian government stands behind its approvals.

**Q. What's your view of the open letter published on April 14, 2018 by Jean-Marc Fournier, Quebec's Minister for Canadian Relations, on cooperative federalism - framing concerns around Bill C-69 and the Trans Mountain Expansion Project?**

A. The previous BC Government approved the Trans Mountain Expansion project, as did AB.

Federal and provincial governments, and Indigenous jurisdictions, are longstanding partners in natural resource development – all working to provide Canadians with new economic opportunities, stronger environmental protections and healthier communities.

The Government of Canada and provinces are working together on the environmental assessment of resource projects.

These are complex initiatives – and we have a good record of working together. For example, ~~in 2010, the Government of Canada and the Government of Quebec~~ have a record of signed a cooperation under their 2010 agreement regarding environmental assessments.

While Energy East did not proceed, we worked collaboratively with Quebec to harmonize timelines and processes to be respectful of jurisdiction.

Through Bill C-69 our Government is providing better rules to help Canada, and provincial governments work together to deliver clear, predictable review processes.

Bill C-69 is based on 14 months of consultations, including with Indigenous communities, and would:

- Enhance federal-provincial collaboration, including earlier engagement and more flexible timelines;
- Renew bilateral cooperation agreements to better harmonize environmental processes in federal and provincial jurisdiction;
- Maintain substitution provisions where provincial assessments meet or exceed federal standards; and,
- Respect jurisdictional responsibilities and existing agreements.

But, let's be clear – TMX has already been approved (subject to 157 conditions).

Through two favourable provincial Cabinet decisions – from British Columbia and Alberta (both backed by environmental assessments).

Through a federal Cabinet decision – made following a complete regulatory process and unprecedented consultations.

All governments made their decisions under their respective laws, in the interests of Canadians, and through clear, predictable processes.

## Schwark, Valerie

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**From:** Smith, Ken  
**Sent:** April-27-18 1:55 PM  
**To:** Webb, Cheryl; Reid, Rebecca; Payne, Brigid  
**Cc:** Hayes, Trish  
**Subject:** FW: OPP Comms Update - April 27  
**Attachments:** NR HNS Ratification (TC DM).docx

fyi....note ministerial statement and may 7th plans

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**From:** Parent, Sonia  
**Sent:** April 27, 2018 1:46 PM  
**To:** Wheatley, Michelle  
**Cc:** Nielsen, Ingrid; McElhone, Kathryn; Wiebe, Robert; Perron, Heloise; Quirion, Stephanie; Jahn, Robin; Lavell, Shelley; Hai, Zahrah; Harber, Lee; Pareja, Annalisa; Smith, Kathleen; Parisien, Renée; Sloan, Glen; Payne, Matthew; Seguin, Natalie; Parker, Mia; Caceres, Jaime; Girouard, Louise; Smith, Ken; Melanson, Simon  
**Subject:** OPP Comms Update - April 27

Hi Michelle,

Here is the OPP report for this week.

### 1. ANNOUNCEMENTS, EVENTS

- April 26: A Ministerial Statement was published issuing the GoC response to BC's Intentions Paper, ECCC's letter to BC Minister Heyman and DFO's CSAS report on dilbit
- April 30: A news release will be issued announcing the CRF funding for Comite ZIP Gaspesie
- May 7: Min McKenna is tentatively planning to discuss OPP projects and emergency preparedness in front of the Kitsalano Base. (Tied to emergency preparedness week)
- Weeks of May 7 & 14: All remaining CRF Round I projects are planned to be announced via news release or event
- Week of May 14: Event to highlight the re-opening of the MRSC Center in St-John's
- Week of May 14: Minister Sajjan is planning to announce CHS's OPP funding
- May 15: Event with MP Simms to announce the Twillingate Lifeboat Station and the naming of the lifeboat
- April-May TBC: PSPC news releases planned to announce the CCG contract awards for CCG Marine Environment Response Equipment (Curtain Boom & High Speed Sweep)
- April-May TBC: CCG is ready to announce the 4 northern communities who successfully applied for funding to purchase search and rescue boats (news release with MinO for approval)

### 2. TRANSPORT CANADA

- May 1: TC is planning to issue a statement on the ratification of the 2010 Hazardous and Noxious Substances Protocol (latest attached FYI)

### 3. ADDITIONAL

- The Marine Institute released a video showcasing the 'reef balls' they are using to restore the coast using their CRF funding.

\*\*\*\*\*

Thank you,

**Sonia Parent**

Senior Communications Advisor | Conseillère principale en communication

Communications Branch | Direction générale des communications

Fisheries and Oceans Canada | Pêches et Océans Canada

200 rue Kent Street Ottawa Room | Pièce : 13E237

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Government  
of Canada

Gouvernement  
du Canada

## News Release

For Immediate Release

### **The Government of Canada ensuring that polluters pay for causing hazardous and noxious substances spills**

Canada depends on the marine sector to bring commodities to and from overseas markets in a way that protects our coastlines from the risk of a serious spill that could cause severe damage. Under the Oceans Protection Plan, the Government of Canada is ensuring ongoing protection of our coasts as part of the building of a modern, competitive and sustainable economy.

Today, the Government announced its ratification of the 2010 Hazardous and Noxious Substances Protocol, a global regime that ensures compensation for those affected by a hazardous and noxious substances spill.

Though these types of spills are rare, they can have severe consequences on coastal communities, tourism activities, fishing industries, and can incur significant clean-up costs.

The Government has long recognized the marine risk associated with the transportation of hazardous and dangerous goods along our coasts. By ratifying the Protocol, Canada agrees to apply the "polluter pay principle" – making ship owners liable for hazardous and noxious substances spills. Once the Protocol comes into force, a new global compensation fund to compensate affected individuals and communities will be established through contributions from industry.

The 2010 Hazardous and Noxious Substances Protocol has to be ratified or acceded to by at least 12 countries. Canada is the second country to ratify the Protocol.

The Government of Canada led extensive consultations with Canadians during the development of the 2010 Hazardous and Noxious Substances Protocol. The shipping, oil, gas, chemical, and petrochemical industries consistently expressed support for the development of a global liability and compensation regime.

The \$1.5 billion Oceans Protection Plan is the largest investment ever made to protect Canada's coasts and waterways. Through this plan, the Government of Canada is creating a world-leading marine safety system that provides economic opportunities for Canadians today, while protecting our coasts and waterways for generations to come. This work is being done in close collaboration with Indigenous peoples, local stakeholders and coastal communities.

## Quotes

"The ratification of the 2010 Hazardous and Noxious Protocol is an important step towards the protection of our oceans and the economic prosperity of our coastal communities. The Government of Canada is committed to the continued building of a world-leading marine safety system that improves response to marine pollution incidents."

*The Honourable Marc Garneau  
Minister of Transport Canada*

*"XXX"  
The Honourable Chrystia Freeland  
Minister of Foreign Affairs*



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Canada



## Quick Facts

- Canada's ratification document was delivered today to Mr. Kitack Lim, the Secretary-General of the International Maritime Organization.
- Hazardous and noxious substances include products like liquefied natural gas, sulphuric acid, caustic soda, and ammonia. They can be flammable, explosive, toxic, corrosive or reactive.
- Globally, it is estimated that over 200 million tonnes of hazardous and noxious substances are traded annually by ships.
- To implement and give force of law to the 2010 Hazardous and Noxious Substances Protocol in Canada, the Government amended the *Marine Liability Act* in 2014 and subsequently published regulations.
- The full name of the 2010 Hazardous and Noxious Protocol is the *Protocol of 2010 to the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996*.
- The federal government will hold engagement sessions with Canadians in spring 2018 as a part of efforts to enhance Canada's preparedness and response to ship-source spills of hazardous and noxious substances.

## Associated Links

- [The Oceans Protection Plan](#)
- [Information on the International Maritime Organization and the Hazardous and Noxious Substances Convention](#)
- [Latest news about the Hazardous and Noxious Substances Convention](#)

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### GAC contacts

Transport Canada is online at [www.tc.gc.ca](http://www.tc.gc.ca). Subscribe to e-news or stay connected through RSS, Twitter, Facebook, YouTube and Flickr to keep up to date on the latest from Transport Canada.

This news release may be made available in alternative formats for persons living with visual disabilities



**Blewett, Catherine**

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**From:** McElhone, Kathryn  
**Sent:** April-29-18 12:39 PM  
**To:** Blewett, Catherine  
**Subject:** Fw: Emailing: 290418doc2 CBC-R1-The Sunday Edition-Pt 2-Chris Turner on Kinder Morgan Trans Mountain pipeline\_09h19\_12mins40.docx  
**Attachments:** 290418doc2 CBC-R1-The Sunday Edition-Pt 2-Chris Turner on Kinder Morgan Trans Mountain pipeline\_09h19\_12mins40.docx

Here it is.

Kathryn

Sent from my BlackBerry 10 smartphone on the Rogers network.

**From:** HKCommunications <hkcomm2@rogers.com>  
**Sent:** Sunday, April 29, 2018 12:29 PM  
**To:** Saindon, Carole; Sankey, Lauren; McElhone, Kathryn; NCR Media RCN (DFO/MPO)  
**Subject:** Emailing: 290418doc2 CBC-R1-The Sunday Edition-Pt 2-Chris Turner on Kinder Morgan Trans Mountain pipeline\_09h19\_12mins40.docx

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K2G 0W2

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**SOURCE: CBC-R1 (NATIONAL)**

**PROGRAM: THE SUNDAY EDITION**

**DATE: APRIL 29, 2018**

**TIME: 09:19**

**REFERENCE: 290418DOC1**

LENGTH: 28:40 MINS

s.68(a)

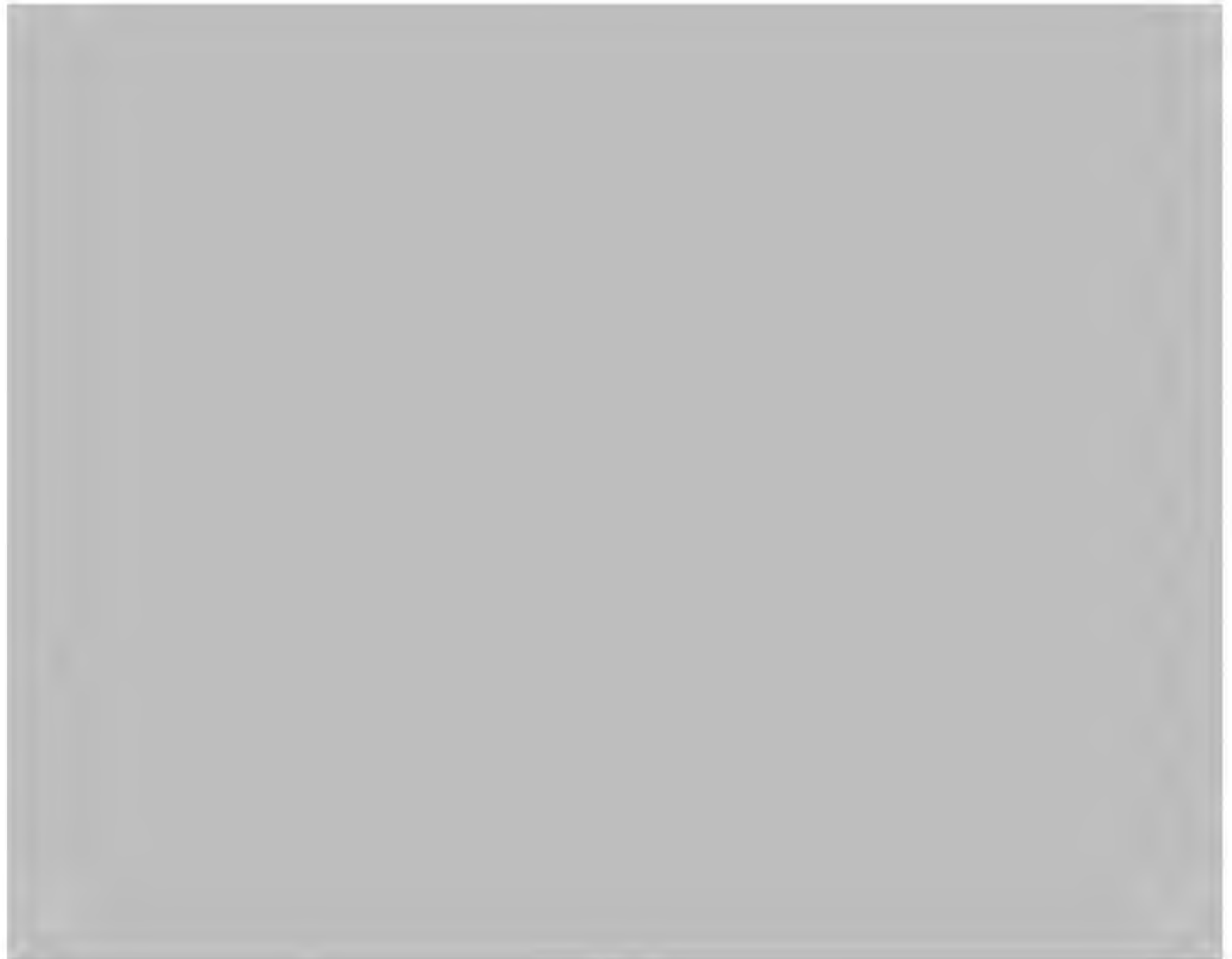
**AUTHOR OF "THE PATCH: THE PEOPLE, PIPELINES AND POLITICS**

**OF THE OIL SANDS" TALKS PIPELINES**

**PART 2**

MICHAEL ENRIGHT (Host): That's Chris Turner, he's the bestselling author whose latest book is *The Patch, The People, Pipelines, and Politics of the Oil Sands*. He's in our Calgary studio this morning, and we're talking about the expansion, proposed expansion of the Kinder Morgan Trans Mountain pipeline.

Now, Kinder Morgan has said that they're suspending all non-essential activities, they've already spent about a billion dollars, haven't they on the thing?



**Pages 504 to / à 507  
are withheld pursuant to section  
sont retenues en vertu de l'article**

**68(a)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

s.19(1)

\*\*\*

(words: 2523)

s.68(a)

Your message is ready to be sent with the following file or link attachments:

290418doc2 CBC-R1-The Sunday Edition-Pt 2-Chris Turner on Kinder Morgan Trans Mountain  
pipeline\_09h19\_12mins40.docx

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of  
file attachments. Check your e-mail security settings to determine how attachments are handled.

--  
H&K Communications

Tel: 613-829-1800

Fax: 613-421-8781

hkcomm2@rogers.com

## H & K Communications

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Nepean, Ontario  
K2G 0W2

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Fax: (613) 421-8781  
E-mail: hkcomm2@rogers.com

s.68(a)

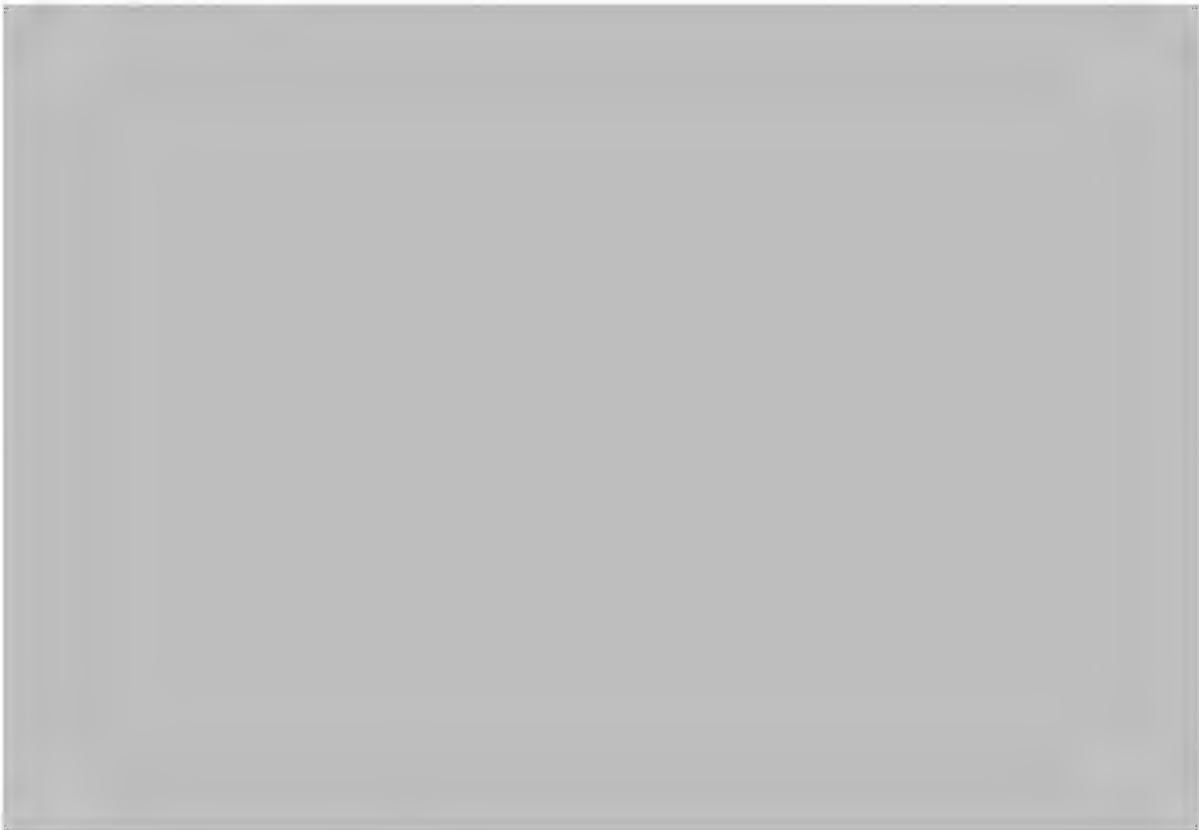
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**SOURCE: CBC-R1 (NATIONAL)**  
**PROGRAM: THE SUNDAY EDITION**  
**DATE: APRIL 29, 2018**  
**TIME: 09:19**  
**REFERENCE: 290418DOC1**  
**LENGTH: 28:40 MINS**

**AUTHOR OF "THE PATCH: THE PEOPLE, PIPELINES AND POLITICS  
OF THE OIL SANDS" TALKS PIPELINES**  
**PART 2**

MICHAEL ENRIGHT (Host): That's Chris Turner, he's the bestselling author whose latest book is *The Patch, The People, Pipelines, and Politics of the Oil Sands*. He's in our Calgary studio this morning, and we're talking about the expansion, proposed expansion of the Kinder Morgan Trans Mountain pipeline.

Now, Kinder Morgan has said that they're suspending all non-essential activities, they've already spent about a billion dollars, haven't they on the thing?



---

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**Pages 510 to / à 514  
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de la Loi sur l'accès à l'information**



## **Blewett, Catherine**

---

**From:** McElhone, Kathryn  
**Sent:** April-29-18 12:40 PM  
**To:** Blewett, Catherine  
**Subject:** Fw: Emailing: 290418doc1 CBC-R1-The Sunday Edition-Chris Turner on Kinder Morgan Trans Mountain pipeline\_09h19\_16mins15.docx  
**Attachments:** 290418doc1 CBC-R1-The Sunday Edition-Chris Turner on Kinder Morgan Trans Mountain pipeline\_09h19\_16mins15.docx

Part one.

Sent from my BlackBerry 10 smartphone on the Rogers network.

**From:** HKCommunications <hkcomm2@rogers.com>  
**Sent:** Sunday, April 29, 2018 11:38 AM  
**To:** Saindon, Carole; Sankey, Lauren; McElhone, Kathryn; NCR Media RCN (DFO/MPO)  
**Subject:** Emailing: 290418doc1 CBC-R1-The Sunday Edition-Chris Turner on Kinder Morgan Trans Mountain pipeline\_09h19\_16mins15.docx

### **H & K Communications**

Phone: (613) 829-1800

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Nepean, Ontario

E-mail: [hkcomm2@rogers.com](mailto:hkcomm2@rogers.com)

K2G 0W2

---

**SOURCE: CBC-R1 (NATIONAL)**

**PROGRAM: THE SUNDAY EDITION**

**DATE: APRIL 29, 2018**

**TIME: 09:19**

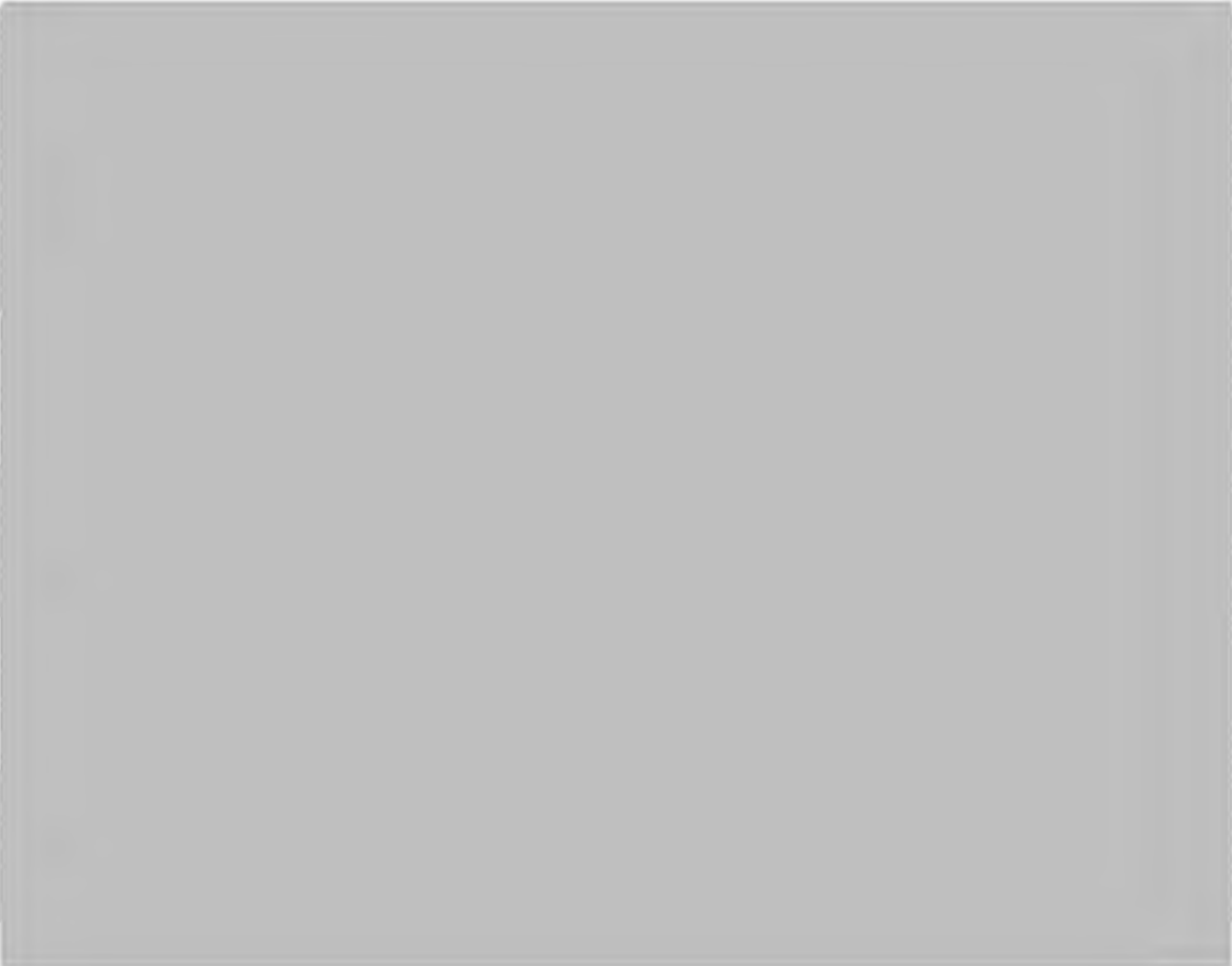
**REFERENCE: 290418DOC1**

**LENGTH: 28:40 MINS**

s.68(a)

**AUTHOR OF "THE PATCH: THE PEOPLE, PIPELINES AND POLITICS  
OF THE OIL SANDS" TALKS PIPELINES**

MICHAEL ENRIGHT (Host): Pipelines are a mode of transportation that sends liquid or semi-liquid goods from one place to another, but pipelines themselves don't move and that's especially true in Canada. Much-hyped pipeline projects connecting the Alberta oil sands to the outside world, the Keystone XL, the Energy East, the Northern Gateway have all gone nowhere and they've gone there very slowly and tortuously. In the process they have pitted provinces against each other and divided Canadians into bitterly opposed camps: proponents touting the jobs and economic growth the pipelines will bring versus opponents claiming that pipelines mean environmental ruin through bitumen spills or climate change.



**Pages 517 to / à 520  
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sont retenues en vertu de l'article**

**68(a)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

s.68(a)

\*\*\*

(words: 3167)

Your message is ready to be sent with the following file or link attachments:

290418doc1 CBC-R1-The Sunday Edition-Chris Turner on Kinder Morgan Trans Mountain  
pipeline\_09h19\_16mins15.docx

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

--  
H&K Communications

Tel: 613-829-1800

Fax: 613-421-8781

hkcomm2@rogers.com

**s.19(1)**

s.68(a)

## **H & K Communications**

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Nepean, Ontario  
K2G 0W2

Phone: (613) 829-1800

Fax: (613) 421-8781

E-mail: hkcomm2@rogers.com

**SOURCE: CBC-R1 (NATIONAL)**

**PROGRAM: THE SUNDAY EDITION**

**DATE: APRIL 29, 2018**

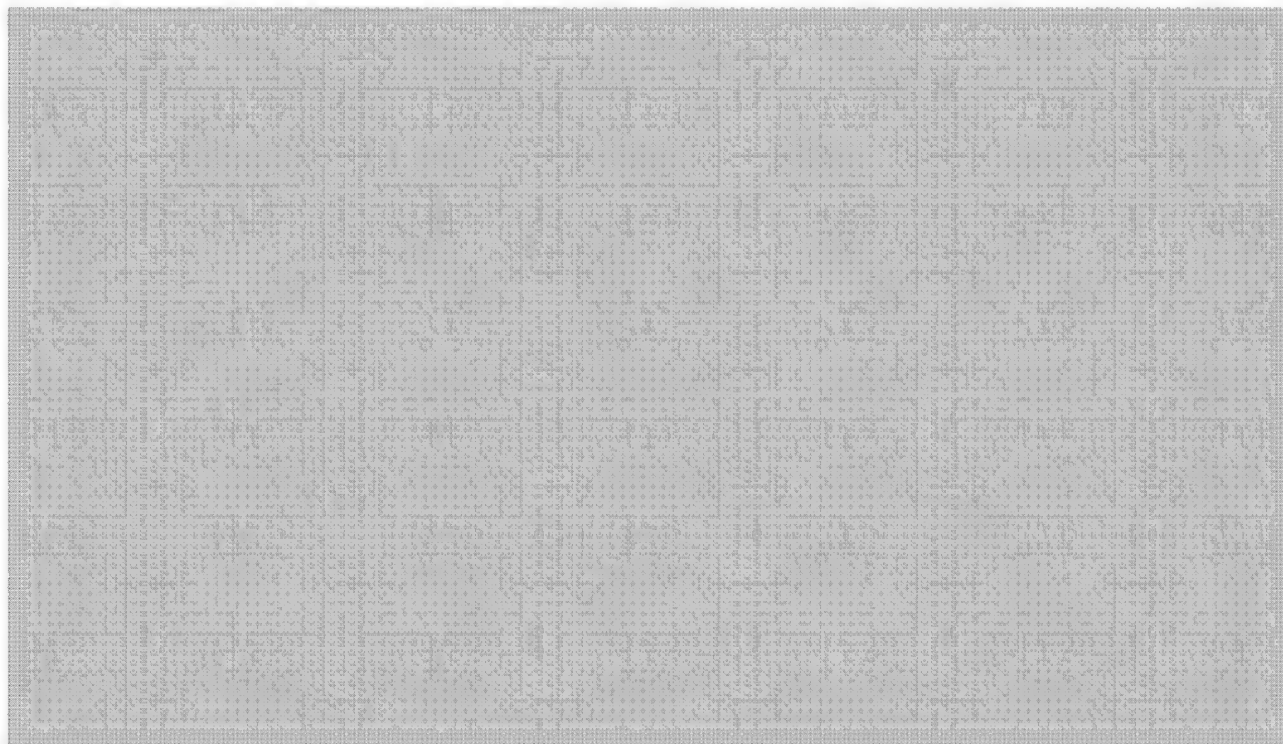
**TIME: 09:19**

**REFERENCE: 290418DOC1**

**LENGTH: 28:40 MINS**

### **AUTHOR OF "THE PATCH: THE PEOPLE, PIPELINES AND POLITICS OF THE OIL SANDS" TALKS PIPELINES**

MICHAEL ENRIGHT (Host): Pipelines are a mode of transportation that sends liquid or semi-liquid goods from one place to another, but pipelines themselves don't move and that's especially true in Canada. Much-hyped pipeline projects connecting the Alberta oil sands to the outside world, the Keystone XL, the Energy East, the Northern Gateway have all gone nowhere and they've gone there very slowly and tortuously. In the process they have pitted provinces against each other and divided Canadians into bitterly opposed camps: proponents touting the jobs and economic growth the pipelines will bring versus opponents claiming that pipelines mean environmental ruin through bitumen spills or climate change.



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000523

**Pages 524 to / à 530  
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sont retenues en vertu de l'article**

**68(a)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

## Labelle-Rice, Jolyane

---

**From:** Sloan, Glen  
**Sent:** April-30-18 5:04 PM  
**To:** Lick, Gregory  
**Cc:** Bisailon, Annie  
**Subject:** RE: FOR URGENT APPROVAL: OPP Information - CG College Open House - May 5th

Hi Greg, if you have any additional changes we'll make them and send a new version to DCs in the morning.

Thanks,  
Glen

**From:** Meikle, Justin  
**Sent:** April-30-18 4:40 PM  
**To:** Sloan, Glen  
**Cc:** Nghiem, Kathy; Mahdi, Jonathan; Sanderson, Marc; Lick, Gregory; Bisailon, Annie; Lavell, Shelley; Ferro, Antonella  
**Subject:** RE: FOR URGENT APPROVAL: OPP Information - CG College Open House - May 5th

Hi Glen,

Marc approves with the following changes:

- The Oceans Protection Plan is a \$1.5 billion **investment strategy aimed at** protecting Canada's...
- ...new environmental response teams will give us more **resources tools**...
- ...with Indigenous peoples and **coastal** communities ~~on all coasts~~. The Plan recognizes the important role these peoples already play...
- ...will help ensure ~~ships~~ **vessels** in distress...

As discussed, we'll get back to you on the RFP lines tomorrow morning.

Thanks,

Justin Meikle  
613-790-6279

**From:** Sloan, Glen <[Glen.Sloan@dfo-mpo.gc.ca](mailto:Glen.Sloan@dfo-mpo.gc.ca)>  
**Sent:** Monday, April 30, 2018 1:37 PM  
**To:** Sanderson, Marc; Lick, Gregory  
**Cc:** Meikle, Justin; Bisailon, Annie; Lavell, Shelley; Ferro, Antonella  
**Subject:** FOR URGENT APPROVAL: OPP Information - CG College Open House - May 5th

Hi Marc and Greg,

We developed the attached info sheet for the Coast Guard OPP Team to use at the College Open House on May 5. It's a very high level overview of OPP related to Coast Guard, designed for a general audience.

This text is new but is based on previously approved wording. Shelley shared the text with Mario and Jaime on the weekend, and they are ok with the approach.



We're now seeking formal approval. If you could please get back to me with comments / approval by 4 p.m. today it would be appreciated.

Thanks,  
Glen

**From:** Lavell, Shelley  
**Sent:** Saturday, April 28, 2018 10:40 AM  
**To:** Pelletier, Mario; Caceres, Jaime; Melanson, Simon  
**Cc:** Richardson, Jennifer; Ferro, Antonella; Sloan, Glen  
**Subject:** FOR APPROVAL: OPP Information - CG College Open House - May 5th

Mario/Jaime/Simon,

Sophia Lega and Anita Neumann from the CG OPP Team are attending the College Open House on May 5; they will be at a booth representing CG OPP from a recruitment perspective.

They will not be prepared to speak to projects specifics in detail but we are preparing a brochure type document that will be available for handout to the general public.

Please see the attached that has been prepared by Communications. While this version of the text is new, it is based on previously approved wording.

We are seeking your approval to move ahead with this wording and put it into graphics that will then go into final urgent approvals so that everything is ready for Tuesday COB.

Many thanks,  
Shelley

**Schwark, Valerie**

---

**From:** Morel, Philippe  
**Sent:** May-01-18 2:28 PM  
**To:** Reid, Rebecca  
**Cc:** Winfield, Nicholas  
**Subject:** RE: TMX Non-compliance Update

Thanks

Please advise her and cc me. I haven't already

Philippe

**De :** Reid, Rebecca  
**Envoyé :** 1 mai 2018 16:32  
**À :** Morel, Philippe <[Philippe.Morel@dfo-mpo.gc.ca](mailto:Philippe.Morel@dfo-mpo.gc.ca)>  
**Objet :** FW: TMX Non-compliance Update

Hi Philippe – I just want to confirm that we are advising the DM of this issue. Aside from the regular weekly update, do you want me to let her know, or have you already?

RR

Rebecca Reid  
Regional Director General/ Directrice générale régionale  
Fisheries and Oceans Canada - Pacific Region/ Pêches et Océans Canada - Région du Pacifique  
200-401 Burrard Street / 401, rue Burrard, bureau 200  
Vancouver, BC/CB V6C 3S4  
Office / Téléphone: 604-666-6098  
Cell / Cellulaire: [REDACTED]  
E-mail/ Courriel: [rebecca.reid@dfo-mpo.gc.ca](mailto:rebecca.reid@dfo-mpo.gc.ca)

**From:** Webb, Cheryl  
**Sent:** Tuesday, May 1, 2018 1:26 PM  
**To:** Reid, Rebecca <[Rebecca.Reid@dfo-mpo.gc.ca](mailto:Rebecca.Reid@dfo-mpo.gc.ca)>; Antcliffe, Bonnie <[Bonnie.Antcliffe@dfo-mpo.gc.ca](mailto:Bonnie.Antcliffe@dfo-mpo.gc.ca)>  
**Cc:** Sandgathe, Tracey L <[Tracey.Sandgathe@dfo-mpo.gc.ca](mailto:Tracey.Sandgathe@dfo-mpo.gc.ca)>  
**Subject:** TMX Non-compliance Update

Rebecca/Bonnie, I want to provide you an update on an issue of TMX non-compliance with conditions of their marine Authorization at WestRidge Terminal and DFO's proposed response.

- On April 3, 2018, DFO became aware of a potential non-compliance with conditions of the *Fisheries Act* authorization issued to Trans Mountain Pipeline ULC (the Proponent) in September 2017 for the expansion of the Westridge Marine Terminal in Burrard Inlet.
- The potential non-compliance issue relates to the failure of the Proponent to maintain a marine mammal exclusion zone per the conditions in the Authorization to ensure that marine mammals are not exposed to potentially adverse underwater noise levels during impact pile driving.
- In addition, the Proponent failed to provide monitoring reports to the Indigenous Advisory and Monitoring Committee established for the project as required in their Authorization.

- Document Released Under the Access to Information Act / Document divulgué en vertu de la Loi sur l'accès à l'information
- FPP staff are currently seeking clarifications from the Proponent in order to determine the exact nature and extent of the non-compliance with respect to the marine mammal exclusion zone.
  - FPP staff will then prepare a letter to the Proponent to document the non-compliance and expectations for next steps. A draft of the letter will be circulated internally prior to being sent to the Proponent.

Please note that this issue will be included by NHQ staff in the Black Binder for the week of May 7, 2018.

Let me know if you have any follow-up questions and we will keep you advised.

Cheryl

Cheryl Webb  
Regional Director  
Ecosystems Management Branch  
Fisheries and Oceans Canada / Government of Canada  
[cheryl.webb@dfo-mpo.gc.ca](mailto:cheryl.webb@dfo-mpo.gc.ca) / Tel: 604-666-6532  
Directrice régionale  
Direction des écosystèmes  
Pêches et Océans Canada / Gouvernement du Canada  
[cheryl.webb@dfo-mpo.gc.ca](mailto:cheryl.webb@dfo-mpo.gc.ca) / Tél: 604-666-6532

**Schwark, Valerie**

---

**From:** Reid, Rebecca  
**Sent:** May-01-18 3:15 PM  
**To:** Webb, Cheryl  
**Subject:** RE: TMX Non-compliance Update

Thanks for this Cheryl. FYI – I checked with Philippe, and then sent directly to DM, but noted that we would follow up with Black Binder.

RR

Rebecca Reid  
Regional Director General/ Directrice générale régionale  
Fisheries and Oceans Canada - Pacific Region/ Pêches et Océans Canada - Région du Pacifique  
200-401 Burrard Street / 401, rue Burrard, bureau 200  
Vancouver, BC/CB V6C 3S4  
Office / Téléphone: 604-666-6098  
Cell / Cellulaire: [REDACTED]  
E-mail/ Courriel: [rebecca.reid@dfo-mpo.gc.ca](mailto:rebecca.reid@dfo-mpo.gc.ca)

**From:** Webb, Cheryl  
**Sent:** Tuesday, May 1, 2018 1:26 PM  
**To:** Reid, Rebecca <[Rebecca.Reid@dfo-mpo.gc.ca](mailto:Rebecca.Reid@dfo-mpo.gc.ca)>; Antcliffe, Bonnie <[Bonnie.Antcliffe@dfo-mpo.gc.ca](mailto:Bonnie.Antcliffe@dfo-mpo.gc.ca)>  
**Cc:** Sandgathe, Tracey L <[Tracey.Sandgathe@dfo-mpo.gc.ca](mailto:Tracey.Sandgathe@dfo-mpo.gc.ca)>  
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Rebecca/Bonnie, I want to provide you an update on an issue of TMX non-compliance with conditions of their marine Authorization at WestRidge Terminal and DFO's proposed response.

- On April 3, 2018, DFO became aware of a potential non-compliance with conditions of the *Fisheries Act* authorization issued to Trans Mountain Pipeline ULC (the Proponent) in September 2017 for the expansion of the Westridge Marine Terminal in Burrard Inlet.
- The potential non-compliance issue relates to the failure of the Proponent to maintain a marine mammal exclusion zone per the conditions in the Authorization to ensure that marine mammals are not exposed to potentially adverse underwater noise levels during impact pile driving.
- In addition, the Proponent failed to provide monitoring reports to the Indigenous Advisory and Monitoring Committee established for the project as required in their Authorization.
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Please note that this issue will be included by NHQ staff in the Black Binder for the week of May 7, 2018.

Let me know if you have any follow-up questions and we will keep you advised.

Cheryl

Cheryl Webb  
Regional Director  
Ecosystems Management Branch  
Fisheries and Oceans Canada / Government of Canada  
[cheryl.webb@dfo-mpo.gc.ca](mailto:cheryl.webb@dfo-mpo.gc.ca) / Tel: 604-666-6532  
Directrice régionale  
Direction des écosystèmes  
Pêches et Océans Canada / Gouvernement du Canada  
[cheryl.webb@dfo-mpo.gc.ca](mailto:cheryl.webb@dfo-mpo.gc.ca) / Tél: 604-666-6532

## Morel, Philippe

---

**De:** Morel, Philippe  
**Envoyé:** 1 mai 2018 18:04  
**À:** Winfield, Nicholas  
**Cc:** Richter, Julie  
**Objet:** Tr: TMX Non-compliance Update

Info

Philippe Morel  
ADM, Aquatic Ecosystems Sector  
Fisheries and Oceans Canada  
SMA, Secteur des Écosystèmes aquatiques  
Pêches et Océans Canada

Tel: 613-993-1914

**De:** Reid, Rebecca <Rebecca.Reid@dfo-mpo.gc.ca>  
**Envoyé:** mardi 1 mai 2018 17:44  
**À:** Blewett, Catherine; Stringer, Kevin  
**Cc:** Morel, Philippe; Kahn, Zoe; Johal, Sharan  
**Objet:** FW: TMX Non-compliance Update

Hello Catherine – I wanted to bring to your attention an update on TMX non-compliance to conditions of their marine Authorization at WestRidge Terminal and DFO's proposed response.

- On April 3, 2018, DFO became aware of a potential non-compliance with conditions of the *Fisheries Act* authorization issued to Trans Mountain Pipeline ULC (the Proponent) in September 2017 for the expansion of the Westridge Marine Terminal in Burrard Inlet.
- The potential non-compliance issue relates to the failure of the Proponent to maintain a marine mammal exclusion zone per the conditions in the Authorization to ensure that marine mammals are not exposed to potentially adverse underwater noise levels during impact pile driving.
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- FPP staff will then prepare a letter to the Proponent to document the non-compliance and expectations for next steps. A draft of the letter will be circulated internally prior to being sent to the Proponent.

We will also add this issue to the Black Binder for the week of May 7, 2018.

Rebecca Reid  
Regional Director General/ Directrice générale régionale  
Fisheries and Oceans Canada - Pacific Region/ Pêches et Océans Canada - Région du Pacifique  
200-401 Burrard Street / 401, rue Burrard, bureau 200  
Vancouver, BC/CB V6C 3S4  
Office / Téléphone: 604-666-6098

Cell / Cellulaire: [REDACTED]

E-mail/ Courriel: [rebecca.reid@dfo-mpo.gc.ca](mailto:rebecca.reid@dfo-mpo.gc.ca)

**s.16(2)**

## Galka, Stephanie

---

**From:** Fagan, Ashley  
**Sent:** May-03-18 2:26 PM  
**To:** Winfield, Nicholas; Marquis, H      ; Gordanier, Tania  
**Cc:** Smith, Kathleen  
**Subject:** FW: TMX statement  
**Attachments:** KMs TMX Intervention MiNO Clean.docx

For your info. Justice's statement below/lines attached on intervening on TMX.

Ashley

**From:** Nielsen, Ingrid  
**Sent:** May-03-18 2:19 PM  
**To:** McElhone, Kathryn; Smith, Kathleen; Fagan, Ashley  
**Subject:** Fw: TMX statement

Sent from my BlackBerry 10 smartphone on the Rogers network.

**From:** Girouard, Christian (Ottawa) <Christian.Girouard@justice.gc.ca>  
**Sent:** Thursday, May 3, 2018 2:11 PM  
**To:** Off, Shirley Anne; Baldwin, Andrew; 'mollie.johnson@canada.ca'; 'micheline.joanisse@canada.ca'; 'danica.vaillancourt@canada.ca'; Nielsen, Ingrid; 'dan.dugas@tc.gc.ca'; 'mary.dila@canada.ca'; 'brigitte.seguin@canada.ca'; 'jacqueline.roy@tc.gc.ca'; Morris, Christina; Parent, Sonia  
**Cc:** Diaczuk, Shane; Kye, Suzanne; Collins, Carlotta; Patterson, Adine; MacKillop, Ken; Noftle, Tracie  
**Subject:** TMX statement

Bonjour    tous,

Further to yesterday's discussions, please find the links to the statement as well as the latest version of the media lines which are currently being reviewed in PCO. Please let us know if you have any concerns.

<https://www.canada.ca/fr/ministere-justice/nouvelles/2018/05/le-gouvernement-du-canada-interviendra-dans-le-renvoi-portant-sur-loleoduc-trans-mountain.html>

<https://www.canada.ca/en/departement-justice/news/2018/05/government-of-canada-to-intervene-in-trans-mountain-pipeline-reference.html>

Chris.

**From:** Girouard, Christian (Ottawa)  
**Sent:** Wednesday, May 2, 2018 3:06 PM  
**To:** Off, Shirley Anne <ShirleyAnne.Off@justice.gc.ca>; Baldwin, Andrew <Andrew.Baldwin@pco-bcp.gc.ca>; 'mollie.johnson@canada.ca' <mollie.johnson@canada.ca>; 'micheline.joanisse@canada.ca'



<micheline.joanisse@canada.ca>; 'danica.vaillancourt@canada.ca' <danica.vaillancourt@canada.ca>;  
'Ingrid.Nielsen@dfo-mpo.gc.ca' <Ingrid.Nielsen@dfo-mpo.gc.ca>; 'dan.dugas@tc.gc.ca' <dan.dugas@tc.gc.ca>;  
'mary.dila@canada.ca' <mary.dila@canada.ca>; 'brigitte.seguin@canada.ca' <brigitte.seguin@canada.ca>;  
'jacqueline.roy@tc.gc.ca' <jacqueline.roy@tc.gc.ca>; 'Morris, Christina' <Christina.Morris@dfo-mpo.gc.ca>; 'Parent,  
Sonia' <Sonia.Parent@dfo-mpo.gc.ca>

**Cc:** Diaczuk, Shane <Shane.Diaczuk@pco-bcp.gc.ca>; Kye, Suzanne <Suzanne.Kye@pco-bcp.gc.ca>; Collins, Carlotta  
<Carlotta.Collins@pco-bcp.gc.ca>; Patterson, Adine <Adine.Patterson@pco-bcp.gc.ca>; MacKillop, Ken  
<Ken.MacKillop@pco-bcp.gc.ca>; Noftle, Tracie <Tracie.Noftle@pco-bcp.gc.ca>

**Subject:** RE: Update TMX statement

Good afternoon all,

The statement is now scheduled for tomorrow morning. I will advise of further details and forward final statement and media lines when finalised.

Merci:

Chris.

**From:** Off, Shirley Anne

**Sent:** Wednesday, May 2, 2018 6:36 AM

**To:** Baldwin, Andrew <Andrew.Baldwin@pco-bcp.gc.ca>; 'mollie.johnson@canada.ca' <mollie.johnson@canada.ca>;  
'micheline.joanisse@canada.ca' <micheline.joanisse@canada.ca>; 'danica.vaillancourt@canada.ca'  
<danica.vaillancourt@canada.ca>; 'Ingrid.Nielsen@dfo-mpo.gc.ca' <Ingrid.Nielsen@dfo-mpo.gc.ca>;  
'dan.dugas@tc.gc.ca' <dan.dugas@tc.gc.ca>; 'mary.dila@canada.ca' <mary.dila@canada.ca>;  
'brigitte.seguin@canada.ca' <brigitte.seguin@canada.ca>; 'jacqueline.roy@tc.gc.ca' <jacqueline.roy@tc.gc.ca>; 'Morris,  
Christina' <Christina.Morris@dfo-mpo.gc.ca>; 'Parent, Sonia' <Sonia.Parent@dfo-mpo.gc.ca>

**Cc:** Diaczuk, Shane <Shane.Diaczuk@pco-bcp.gc.ca>; Kye, Suzanne <Suzanne.Kye@pco-bcp.gc.ca>; Collins, Carlotta  
<Carlotta.Collins@pco-bcp.gc.ca>; Patterson, Adine <Adine.Patterson@pco-bcp.gc.ca>; MacKillop, Ken  
<Ken.MacKillop@pco-bcp.gc.ca>; Noftle, Tracie <Tracie.Noftle@pco-bcp.gc.ca>; Girouard, Christian (Ottawa)  
<Christian.Girouard@justice.gc.ca>

**Subject:** Update TMX

Hi all

I wanted to let you know that our Minister will likely be issuing an NR today re next steps on the BC Constitutional Reference Question. The draft NR will go to your DMs via mine later this morning for comment. It's a straightforward and brief one. IGA DM will receive it this way as well. Apologies for the short notice. We will keep you posted on progress.

Chris Girouard on my team will be the main point of contact.

Thanks

SA

Sent from my BlackBerry 10 smartphone on the Rogers network.

**From:** Baldwin, Andrew

**Sent:** Thursday, April 26, 2018 11:46 AM

**To:** 'mollie.johnson@canada.ca'; 'micheline.joanisse@canada.ca'; 'danica.vaillancourt@canada.ca'; 'Ingrid.Nielsen@dfo-

mpo.gc.ca'; 'dan.dugas@tc.gc.ca'; Off, Shirley Anne; 'mary.dila@canada.ca'; 'brigitte.seguin@canada.ca';  
'jacqueline.roy@tc.gc.ca'; 'Morris, Christina'; 'Parent, Sonia'  
**Cc:** Diaczuk, Shane; Kye, Suzanne; Collins, Carlotta; Patterson, Adine; MacKillop, Ken; Noftle, Tracie  
**Subject:** RE: For your awareness - Final Drafts for TMX Communications products - Updated lines and messaging

Good morning all,

For awareness, please see attached updated messaging from implicated departments on TMX.

Thanks,

Andrew

Andrew Baldwin  
Senior Analyst / Analyste principal  
Communications & Consultations  
Privy Council Office / Bureau du Conseil privé  
85 rue Sparks Street, Ottawa, ON, K1A 0A3  
o. 613-957-5426 / c. [REDACTED]  
[andrew.baldwin@pco-bcp.gc.ca](mailto:andrew.baldwin@pco-bcp.gc.ca)

s.16(2)

**From:** Baldwin, Andrew

**Sent:** Wednesday, April 25, 2018 11:15 PM

**To:** 'mollie.johnson@canada.ca' <[mollie.johnson@canada.ca](mailto:mollie.johnson@canada.ca)>; 'micheline.joanisse@canada.ca' <[micheline.joanisse@canada.ca](mailto:micheline.joanisse@canada.ca)>; 'danica.vaillancourt@canada.ca' <[danica.vaillancourt@canada.ca](mailto:danica.vaillancourt@canada.ca)>; 'Ingrid.Nielsen@dfo-mpo.gc.ca' <[Ingrid.Nielsen@dfo-mpo.gc.ca](mailto:Ingrid.Nielsen@dfo-mpo.gc.ca)>; 'dan.dugas@tc.gc.ca' <[dan.dugas@tc.gc.ca](mailto:dan.dugas@tc.gc.ca)>; 'ShirleyAnne.Off@justice.gc.ca' <[ShirleyAnne.Off@justice.gc.ca](mailto:ShirleyAnne.Off@justice.gc.ca)>; 'mary.dila@canada.ca' <[mary.dila@canada.ca](mailto:mary.dila@canada.ca)>; 'brigitte.seguin@canada.ca' <[brigitte.seguin@canada.ca](mailto:brigitte.seguin@canada.ca)>; 'jacqueline.roy@tc.gc.ca' <[jacqueline.roy@tc.gc.ca](mailto:jacqueline.roy@tc.gc.ca)>; 'Morris, Christina' <[Christina.Morris@dfo-mpo.gc.ca](mailto:Christina.Morris@dfo-mpo.gc.ca)>; 'Parent, Sonia' <[Sonia.Parent@dfo-mpo.gc.ca](mailto:Sonia.Parent@dfo-mpo.gc.ca)>

**Cc:** Diaczuk, Shane <[Shane.Diaczuk@pco-bcp.gc.ca](mailto:Shane.Diaczuk@pco-bcp.gc.ca)>; Kye, Suzanne <[Suzanne.Kye@pco-bcp.gc.ca](mailto:Suzanne.Kye@pco-bcp.gc.ca)>; Collins, Carlotta <[Carlotta.Collins@pco-bcp.gc.ca](mailto:Carlotta.Collins@pco-bcp.gc.ca)>; Patterson, Adine <[Adine.Patterson@pco-bcp.gc.ca](mailto:Adine.Patterson@pco-bcp.gc.ca)>; MacKillop, Ken <[Ken.MacKillop@pco-bcp.gc.ca](mailto:Ken.MacKillop@pco-bcp.gc.ca)>; Noftle, Tracie <[Tracie.Noftle@pco-bcp.gc.ca](mailto:Tracie.Noftle@pco-bcp.gc.ca)>

**Subject:** RE: For your awareness - Final Drafts for TMX Communications products - Greenlight to post final versions at 7:00 AM EDT

Good evening,

Please be advised that some final revisions to adjust some language have been made to the joint statement. The version attached here is the final approved version that will be translated and posted tomorrow at 7:00 AM.

All other products sent to this group in the earlier email remain the same and are considered final.

Thanks,

Andrew

Andrew Baldwin

Senior Analyst / Analyste principal  
Communications & Consultations  
Privy Council Office / Bureau du Conseil privé  
85 rue Sparks Street, Ottawa, ON, K1A 0A3  
o. 613-957-5426 / c. [REDACTED]  
[andrew.baldwin@pco-bcp.gc.ca](mailto:andrew.baldwin@pco-bcp.gc.ca)

s.16(2)

**From:** Baldwin, Andrew

**Sent:** April-25-18 9:50 PM

**To:** 'mollie.johnson@canada.ca'; 'micheline.joanisse@canada.ca'; 'danica.vaillancourt@canada.ca'; 'Ingrid.Nielsen@dfo-mpo.gc.ca'; 'dan.dugas@tc.gc.ca'; 'ShirleyAnne.Off@justice.gc.ca'; 'mary.dila@canada.ca'; 'brigitte.seguin@canada.ca'; 'jacqueline.roy@tc.gc.ca'; Morris, Christina; Parent, Sonia

**Cc:** Diaczuk, Shane; Kye, Suzanne; Collins, Carlotta; Patterson, Adine; MacKillop, Ken; Nofle, Tracie

**Subject:** For your awareness - Final Drafts for TMX Communications products - Greenlight to post final versions at 7:00 AM EDT

Good evening,

Please see attached the final approved drafts of the TMX communications products, which incorporate comments from implicated departments and from the Centre. The following should go live at 7:00 AM tomorrow morning per instructions from PMO.

- Joint statement Min. Garneau (TC), Min. McKenna, Min. Carr, Min. LeBlanc – English version approved by the Centre / needs to be translated and coded by DFO
- Letter from Minister McKenna to B.C. Minister of Environment and Climate Change Strategy – English version approved by the Centre / needs to be translated and coded by ECCC
- DFO's Canadian Science Advisory Secretariat (CSAS) – English and French versions approved by the Centre (DFO to code and post)
- Government of Canada Activities related to Spill Management – English and French versions approved by the Centre (TC to code and post)

We are still waiting to receive the media lines and key messages from some of the implicated departments, but we will compile and distribute when everything has come to PCO – translation to follow.

Thank you,

**Key Messages**  
**Intervention on Reference Question on Heavy Oils Transport (Trans Mountain Pipeline)**

**Overview**

On April 26, 2018, the Government of British Columbia filed a reference question in the British Columbia Court of Appeal regarding the province's authority to regulate the transport of heavy oils, such as bitumen, within the province.

On May 3, 2018, the Government of Canada will announce its intervention in the reference question to assert its clear federal jurisdiction in this matter.

**Media Lines**

- The Government of Canada will intervene in the constitutional reference question filed by the Government of British Columbia under the *BC Constitutional Questions Act*.
- The Government is confident in Parliament's clear jurisdiction over interprovincial pipelines and will intervene in order to defend that jurisdiction.

***If asked about the TMX project:***

- Following a rigorous review process, federal approval of the Trans Mountain Pipeline expansion project was provided in November 2016
  - Approval was granted, subject to Trans Mountain satisfying 157 conditions, primarily related to protecting communities, the environment, and ensuring safety.
- Federal and provincial officials consulted broadly during the approval process, including consultation with 118 potentially affected Indigenous groups.
- The filing of BC's reference does not prevent the Project from proceeding in the interim, in accordance with the 157 required conditions

## **Questions and Answers**

**Q1. What is the basis for Canada's jurisdiction over the Trans Mountain Pipeline expansion project?**

A1. The Constitution is clear that interprovincial pipelines fall under federal jurisdiction. This has been confirmed on a number of occasions by multiple courts, including the Supreme Court of Canada.

**Q2. Why is Canada not referring a question directly to the Supreme Court of Canada?**

A2. Canada is confident in its jurisdiction, so a reference to the Supreme Court of Canada is not necessary at this time.

**Q3. When will Canada submit its intervention?**

A3. Canada will attend a first case management conference set by the BC Court of Appeal in the near future, where the various steps in the proceedings will be discussed.

**Q4. Will Canada take the same approach to Saskatchewan's reference on the carbon tax?**

A4. The Government of Canada is considering whether to intervene in the Saskatchewan reference regarding the constitutionality of the proposed federal *Greenhouse Gas Pollution Pricing Act*.

**Prepared by:**

Ian W. McLeod, Acting Manager, Media Relations, Litigation Communications and the Judiciary, Communications Branch

**Reviewed by:**

**Public Law and Legislative Services Sector**

Edward Livingstone, Director General and Senior Counsel, CAILS

Laurie Wright, Assistant Deputy Minister

**National Litigation Sector**

Peter Nostbakken, Counsel

Christopher Rupar, Senior General Counsel

Robert Frater, Chief General Counsel

Geoffrey Bickert, Assistant Deputy Attorney General, National Litigation Sector

**Business and Regulatory Law Portfolio**

Andrew Saranchuk, Assistant Deputy Minister

**BC Regional Office**

Jan Brongers, Senior General Counsel

**Schwark, Valerie**

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**From:** Smith, Ken  
**Sent:** May-08-18 3:14 PM  
**To:** Lowe, Carmel; Webb, Cheryl; Payne, Brigid; Silverstein, Adam; Carlson, Mike; Calla, Karen  
**Cc:** Hayes, Trish; Murdoch, Sarah; Stadel, Angela; Klaver, March; Reid, Rebecca; Antcliffe, Bonnie; Thomson, Andrew; Cauffope, Genevieve; Harber, Lee; Mah, Jordan  
**Subject:** RE: OPP initiatives - provincial leads/ level of engagement  
**Attachments:** Copy of OPP Initiatives\_Provincial Contacts\_Level of Engt\_April 30 2018 (003).xlsx

Apologies....this time with attachment

**From:** Smith, Ken  
**Sent:** Tuesday, May 8, 2018 3:11 PM  
**To:** Lowe, Carmel <[Carmel.Lowe@dfo-mpo.gc.ca](mailto:Carmel.Lowe@dfo-mpo.gc.ca)>; Webb, Cheryl <[Cheryl.Webb@dfo-mpo.gc.ca](mailto:Cheryl.Webb@dfo-mpo.gc.ca)>; Payne, Brigid <[Brigid.Payne@dfo-mpo.gc.ca](mailto:Brigid.Payne@dfo-mpo.gc.ca)>; Silverstein, Adam <[Adam.Silverstein@dfo-mpo.gc.ca](mailto:Adam.Silverstein@dfo-mpo.gc.ca)>; Carlson, Mike <[Mike.Carlson@dfo-mpo.gc.ca](mailto:Mike.Carlson@dfo-mpo.gc.ca)>; Calla, Karen <[Karen.Calla@dfo-mpo.gc.ca](mailto:Karen.Calla@dfo-mpo.gc.ca)>  
**Cc:** Hayes, Trish <[Trish.Hayes@dfo-mpo.gc.ca](mailto:Trish.Hayes@dfo-mpo.gc.ca)>; Murdoch, Sarah <[Sarah.Murdoch@dfo-mpo.gc.ca](mailto:Sarah.Murdoch@dfo-mpo.gc.ca)> <[Sarah.Murdoch@dfo-mpo.gc.ca](mailto:Sarah.Murdoch@dfo-mpo.gc.ca)>; Stadel, Angela <[Angela.Stadel@dfo-mpo.gc.ca](mailto:Angela.Stadel@dfo-mpo.gc.ca)>; Klaver, March <[March.Klaver@dfo-mpo.gc.ca](mailto:March.Klaver@dfo-mpo.gc.ca)>; Reid, Rebecca <[Rebecca.Reid@dfo-mpo.gc.ca](mailto:Rebecca.Reid@dfo-mpo.gc.ca)>; Antcliffe, Bonnie <[Bonnie.Antcliffe@dfo-mpo.gc.ca](mailto:Bonnie.Antcliffe@dfo-mpo.gc.ca)>; Thomson, Andrew <[Andrew.Thomson@dfo-mpo.gc.ca](mailto:Andrew.Thomson@dfo-mpo.gc.ca)>; Cauffope, Genevieve <[Genevieve.Cauffope@dfo-mpo.gc.ca](mailto:Genevieve.Cauffope@dfo-mpo.gc.ca)>; Harber, Lee <[Lee.Harber@dfo-mpo.gc.ca](mailto:Lee.Harber@dfo-mpo.gc.ca)>; Mah, Jordan <[Jordan.Mah@dfo-mpo.gc.ca](mailto:Jordan.Mah@dfo-mpo.gc.ca)>  
**Subject:** RE: OPP initiatives - provincial leads/ level of engagement

Hi Folks,

I thought you would be interested in the attached OPP project spreadsheet that has been developed through the Fed-Prov. Oceans Co-ordinating Committee. It has been a work in progress for a few months and this most recent version also includes feedback from the Province on the level of engagement they are seeking. An update on this work will be provided at May 24<sup>th</sup> Regional Committee on Oceans Management and I anticipate some additional engagement in coming months on the "high" level of interest projects as a minimum.

You will note that the Province is seeking a "high" level of engagement (i.e. need to work collaboratively together) on the following DFO OPP projects:

- Regional Response Planning (all elements from all depts. including DFO Science and Oceans)
- Coastal Environmental Baseline (Science)
- PCIMA/MSP (Oceans)
- Expanded Research on Fate/Behavior/Biological Impact of petroleum products in marine env't (led outside of Pacific -National Science)
- Multi-Partner Oil Spill Response Technology Research for Spill Clean-up ((led outside of Pacific -National Science)

The following projects have been identified as "medium" level of interest (i.e. would like to review and provide feedback):

- Marine Mammal Detection and Avoidance (Science)
- Marine Environmental Quality (Science and Oceans)
- Coastal Restoration Fund (EMB Habitat)
- Vessels of Concern (all elements from all depts incl. SCH removal program)

Regards

Ken

**From:** Worsley, Kristin E FLNR:EX [<mailto:Kristin.Worsley@gov.bc.ca>]

**Sent:** May-07-18 4:25 PM

**To:** Hayes, Trish; 'Ivancic, Maria'

**Cc:** Short, Charles J FLNR:EX; Payne, Brigid; Binning, Kelly; Topelko, Karen FLNR:EX

**Subject:** OPP initiatives - provincial leads/ level of engagement

Hi Trish/ Maria,

Following up on our discussion at OCC, I attach the latest OPP matrix, showing provincial leads and our priorities for engagement. A few points to note in the spreadsheet:

- A new column has been added to show the Province's desired level of engagement, categorized for this purpose as low (=receive information/updates), medium (=would like to be able to provide feedback and review) or high (=need to work collaboratively together).
- We have only identified a lead where there is more than one provincial contact listed and we are asking for more than "low" level engagement.
- The role of the identified leads will be to keep the other provincial contacts involved and looped in as needed.

Let me know if you have any further questions, as you scope the discussion for RCOM. I think it would be good to show RCOM that (1) we do have coordinating mechanisms in place for some initiatives that the Province has a med/high interest in engaging in (maybe with some examples) and (2) where the gaps are and how we propose they be filled.

Sorry I'm not able to make the May 24<sup>th</sup> meeting, but hope it goes well.

Cheers,  
Kristin

Kristin Worsley  
Manager, Marine and Coastal Resources  
Ministry of Forests, Lands, Natural Resource Operations, and Rural Development

Tel: (250) 387-2248 | Email: [Kristin.Worsley@gov.bc.ca](mailto:Kristin.Worsley@gov.bc.ca)

Initiatives and Sub-Initiatives	Oceans Protection Plan Pacific Region										Desired Level of Engagement (Low = Active Information; Med = Provide Feedback; High = Collaborate)	Coordinating Mechanism
	STATE-OF-THE-ART MARINE SAFETY SYSTEM	1	2	3	4	5	6	7	8	9		
BETTER INFORMATION ON MARINE TRAFFIC SHARED WITH INDIGENOUS AND COMMUNITIES	Real-Time Marine Traffic Information for Indigenous and Coastal Communities	1	Enhanced Maritime Situational Awareness	TC	✓	None yet	604-253-7805					
		2	Space-Based Automatic Identification System	TC	✓	None yet	604-253-7805					
	National Vessel Tracking and Monitoring System	3	Operational Network (OPNET)	CCG	✓	Malcolm Ross	250-480-2462					
		4	Additional Radar Sites	CCG	✓	Malcolm Ross	250-480-2462					
SAFER NAVIGATION THROUGHOUT THE PACIFIC REGION		5	Modern Hydrography Areas	DFO	✓	Dave Prince	250-363-6347					
		6	Marine Weather Demonstration Project	ECCC	✓	Vernon Seguin	819-933-5788					
	Federal Investments in Safety Equipment and Infrastructure in Northern Communities	7	Basic Marine Infrastructure in Northern Communities	TC		NA						
		8	Canada's Regulatory Regime and Enforcement Infrastructure	TC	✓	Julie Mah	613-941-4257					
TECHNICAL REQUIREMENTS FOR INDUSTRY		9	Protective Vessel Management	TC	✓	Louise Mungai	604-664-7799					
		10	Protections Act Review	TC	✓	Chris Haddock	613-991-3879					
		11	Process of Marine Terminal Systems and Transshipment Sites (TEMPOL)	TC	✓	Bob Gove	604-664-2466					
		12	Pieces of Refuge	TC	✓	Dan Vyle	250-651-3333					



**Draft, April 12, 2018**

ENHANCED RISK-BASED PLANNING AND DECISION MAKING	Baseline Environmental Data on BC Coast	13	Baseline Environmental Data on the Northern BC Coast	To support response planning of British Columbia's North Coast, ECCC will collect baseline environmental data.	ECCC ✓	Vernon Morley 613-945-7188	Scott Morley Rebecca Martineau 604-272-3273	Michelle Turner michelle.turner@gov.bc.ca	Stephen Bay Stephen.Bay@gov.bc.ca	Rachel Shaw Rachel.Shaw@gov.bc.ca	Mark Van Dusen Mark.Vandusen@gov.bc.ca	High	A site-working group has been established with ECCC, DFO and BC on data. They meet regularly.	
				COS Western Region will be leading the planning process for the North and Central Coast of BC in collaboration with other departments, Indigenous Nations and the Province of BC.	COS	The McLean 604-272-3273	Sally Craig Sally.Craig@gov.bc.ca	Greg Beach Greg.Beach@gov.bc.ca (LAD)	Ryan Torrance Ryan.Torrance@gov.bc.ca	Critical Incidents Emergency Management James Franklin and team James.Franklin@gov.bc.ca	High	A working group has been established between the Government of Canada, BC and First Nations.		
				TC responsible for the development of a North and Central Coast regional risk assessment. This includes developing a methodology and inventory matrix with input from partners and stakeholders.	TC	Dan's Kelly 250-371-8284	Sally Craig Sally.Craig@gov.bc.ca	Ben VanderSteen Ben.VanderSteen@gov.bc.ca (LAD)			High			
				ECCC is responsible for gathering environmental and socio-economic sensitivity data including proprietary data for use in environmental emergency response decision-making. ECCC will also support the development and completion of response plans, and development of policy options for a national program.	ECCC	Vernon Smith 613-945-7188	Sally Craig Sally.Craig@gov.bc.ca (LAD)	Ben VanderSteen Ben.VanderSteen@gov.bc.ca (LAD)			Med			
	Regional Response Planning	14		LFO will gather biological and socio-economic data, develop a Geopattern Data Management and Analysis platform (Rhinoceros spatial data infrastructure), produce maps of ecologically sensitive areas and prepare a response plan for use in environmental emergency response decision-making. ECCC will also support the development and completion of response plans, and development of policy options for a national program.	DFO	Elis Chiu 604-666-0017	Sally Craig Sally.Craig@gov.bc.ca (LAD)	Michelle Turner michelle.turner@gov.bc.ca	James Gault James.Gault@gov.bc.ca		High			
				To implement a risk-based analysis of maritime search and rescue delivery methodology. This methodology will provide a systematic approach to more effective allocation of search and rescue resources, this methodology will be used by the Department of Transport Canada, in conjunction with the Department of Fisheries and Aquaculture, other government agencies and the general public.	COS ✓	Tyler Brand 250-949-9105								
	Federal Oversight of Incident Management		15	Risk-based Analysis Maritime Search and Rescue Delivery Methodology										
			16	24/7 Emergency Response Capacity to Effectively Manage Incidents	24/7 multi-functional capacity is being established within the Regional Operations Centre located in Victoria. This centre will bolster on-water monitoring, coordination and support to programs and will also serve as a regional CCI Emergency Operations Centre (EOC) to support delayed incident responses and to support regional incident response decision-making.	COS	Glen Omerston 250-943-4735				Critical Incidents Emergency Management James Franklin and team James.Franklin@gov.bc.ca	Low	Emergency Management BC contact?	
			17	24/7 Emergency Response Capacity to Effectively Manage Incidents	24/7 Emergency Response Capacity to Effectively Manage Incidents	ECCC	Vernon Smith 613-945-7188							
			18	24/7 Emergency Response Capacity to Effectively Manage Incidents	24/7 Emergency Response Capacity to Effectively Manage Incidents	ECCC	Vernon Smith 613-945-7188			Ben VanderSteen Ben.VanderSteen@gov.bc.ca	Critical Incidents Emergency Management James Franklin and team James.Franklin@gov.bc.ca	Low	Emergency Management BC contact?	
		19	24/7 Emergency Response Capacity to Effectively Manage Incidents	24/7 Emergency Response Capacity to Effectively Manage Incidents	TC	Rachel Smith 604-802-8074			Angie Poon Angie.Poon@gov.bc.ca	Critical Incidents Emergency Management James Franklin and team James.Franklin@gov.bc.ca	Low	Emergency Management BC contact?		
		20	24/7 Emergency Response Capacity to Effectively Manage Incidents	24/7 Emergency Response Capacity to Effectively Manage Incidents	TC	Jeff Brady - CCG 604-816-7452 Jeff Mah - TC 613-913-7421			Kristie Segner Kristie.Segner@gov.bc.ca (LAD)		Med			
ENHANCED RISK-BASED PLANNING AND DECISION MAKING	On-Water Presence and Response Capacity	21	21	24/7 Emergency Response Capacity to Effectively Manage Incidents	24/7 Emergency Response Capacity to Effectively Manage Incidents	COS ✓	The McLean 604-272-3273		Angie Poon Angie.Poon@gov.bc.ca (LAD)	Critical Incidents Emergency Management James Franklin and team James.Franklin@gov.bc.ca	Med			
		22	22	New Search and Rescue Capacity to Effectively Manage Incidents	Four (4) new Coast Guard stations will be constructed in British Columbia in the following areas: Victoria, Nanaimo, Port Hardy, and Port Alberni. These stations will be based on identified gaps in CCG's maritime SAR response capacity and planned maritime traffic growth.	COS ✓	Randy Bagn 250-508-8121							
		23	23	Modernize CCG Environmental Response Equipment	Focusing on the modernization of the current state of ER equipment across Canada will ensure preparedness to effectively manage and respond to marine pollution incidents.	COS ✓	Jeff Brady 604-816-7432							
		24	24	New Staffed Logistic Depot Near Port Hardy in BC	Construction of a new logistics depot near Port Hardy, BC, where personnel and equipment will be located. This depot will form a Primary Environmental Response Team in conjunction with the existing Hibernia station.	COS ✓	Standa Bagn 250-508-8121							
		25	25	Increasing Emergency Tow Capacity	An emergency towing needs analysis will be conducted through engagement with the Province of BC. Transport and Coast Guard will develop a working group and subsequently an advisory group to consult with the Province of BC, Indigenous Nations, and other stakeholders to identify and address gaps in emergency towing capacity, current needs and gaps for emergency towing capacity on the west coast. This initiative will also increase the Agency's towing capacity through the training of two large capacity tug boats in the Pacific region. The training of two large capacity tug boats in the Pacific region will be completed by March 2022 for both offshore vessels. Emergency towing capacity of COS Fleet across the country will also be increased by March 2022 for both offshore vessels. Training and equipment for the Agency's large capacity tug boats will be completed by March 2022 for both offshore vessels. An assessment will be conducted to identify gaps for rapid response to oil and gas spills and other incidents.	COS ✓	Glen Omerston 250-943-4735			Ben VanderSteen Ben.VanderSteen@gov.bc.ca (LAD), Kristie Segner Kristie.Segner@gov.bc.ca	High			

For internal discussions with the Province of R.C. 000548

[illegible]

**Draft, April 12, 2018**

[illegible]

[illegible]

## Longtin, Jean

---

**From:** Fox, Christiane <Christiane.Fox@pco-bcp.gc.ca>  
**Sent:** May-08-18 10:04 PM  
**To:** Stringer, Kevin; Blewett, Catherine  
**Subject:** RE: Update

Sounds good, thank you Kevin – see you tomorrow.  
Chris

**From:** Stringer, Kevin <Kevin.Stringer@dfo-mpo.gc.ca>  
**Sent:** May 8, 2018 10:02 PM  
**To:** Fox, Christiane <Christiane.Fox@pco-bcp.gc.ca>; Blewett, Catherine <Catherine.Blewett@dfo-mpo.gc.ca>  
**Subject:** Re: Update

I will be at DMB tomorrow morning for Catherine. Happy to start the connection.

Thanks

KS

Sent from my BlackBerry 10 smartphone on the Rogers network.

**From:** Fox, Christiane  
**Sent:** Tuesday, May 8, 2018 9:44 PM  
**To:** Blewett, Catherine; Stringer, Kevin  
**Subject:** RE: Update

Ha! Of course they do! Maybe we can try and connect at DMB tomorrow morning....thank you.

**From:** Blewett, Catherine <Catherine.Blewett@dfo-mpo.gc.ca>  
**Sent:** May 8, 2018 9:31 PM  
**To:** Fox, Christiane <Christiane.Fox@pco-bcp.gc.ca>; Stringer, Kevin <Kevin.Stringer@dfo-mpo.gc.ca>  
**Subject:** Re: Update

Hi Chris

C  
Sent from my BlackBerry 10 smartphone on the Rogers network.

**From:** Fox, Christiane  
**Sent:** Tuesday, May 8, 2018 10:21 PM  
**To:** Blewett, Catherine; Stringer, Kevin  
**Subject:** FW: Update

s.21(1)(b)

Hi,

Thank you!!

Chris

s.14

s.21(1)(b)

**From:** Fox, Christiane

**Sent:** May 8, 2018 9:20 PM

**To:** 'Keenan, Michael' <[Michael.Keenan@tc.gc.ca](mailto:Michael.Keenan@tc.gc.ca)>; 'Lucas, Stephen (EC)' <[stephen.lucas@canada.ca](mailto:stephen.lucas@canada.ca)>; 'Drouin, Nathalie G. (DM/SM)' <[Nathalie.G.Drouin@justice.gc.ca](mailto:Nathalie.G.Drouin@justice.gc.ca)>; 'Tremblay, Christyne (NRCAN/RNCAN)' <[Christyne.Tremblay@canada.ca](mailto:Christyne.Tremblay@canada.ca)>; Jennings, Philip (NRCAN/RNCAN) <[philip.jennings@canada.ca](mailto:philip.jennings@canada.ca)>; Saranchuk, Andrew <[Andrew.Saranchuk@justice.gc.ca](mailto:Andrew.Saranchuk@justice.gc.ca)>; 'Blewett, Catherine' <[Catherine.Blewett@dfo-mpo.gc.ca](mailto:Catherine.Blewett@dfo-mpo.gc.ca)>; 'Labonté, Jeff (NRCAN/RNCAN)' <[jeff.labonte@canada.ca](mailto:jeff.labonte@canada.ca)>; 'Hutchinson, Jeffery' <[Jeffery.Hutchinson@dfo-mpo.gc.ca](mailto:Jeffery.Hutchinson@dfo-mpo.gc.ca)>; Tapley, Catrina <[Catrina.Tapley@pco-bcp.gc.ca](mailto:Catrina.Tapley@pco-bcp.gc.ca)>; Maheu, Chantal <[Chantal.Maheu@pco-bcp.gc.ca](mailto:Chantal.Maheu@pco-bcp.gc.ca)>; Hargrove, Glenn <[Glenn.Hargrove@pco-bcp.gc.ca](mailto:Glenn.Hargrove@pco-bcp.gc.ca)>; Kuhn, Steven <[Steven.Kuhn@pco-bcp.gc.ca](mailto:Steven.Kuhn@pco-bcp.gc.ca)>

**Cc:** O'Leary, Alison <[Alison.O'Leary@pco-bcp.gc.ca](mailto:Alison.O'Leary@pco-bcp.gc.ca)>; Dittburner, Carolyn <[Carolyn.Dittburner@pco-bcp.gc.ca](mailto:Carolyn.Dittburner@pco-bcp.gc.ca)>

**Subject:** Update

Good evening,

Chris

Christiane Fox

Deputy Minister of Intergovernmental Affairs and Youth /

Sous-ministre des Affaires intergouvernementales et de la jeunesse

Privy Council Office / Bureau du Conseil privé

Government of Canada / Gouvernement du Canada

[Christiane.fox@pco-bcp.gc.ca](mailto:Christiane.fox@pco-bcp.gc.ca)

**Schwark, Valerie**

**From:** Smith, Ken s.19(1)  
**Sent:** May-09-18 4:33 PM s.21(1)(b)  
**To:** Reid, Rebecca s.69(1)(g) re: (a)  
**Cc:** Webb, Cheryl; Hayes, Trish; Payne, Brigid  
**Subject:** Update from May 9th RDG OPP Call  
**Attachments:** RE: Follow up of April 20th OCC meeting/ prep for May 24th RCOM meeting; FW: OPP initiatives - provincial leads/ level of engagement; RE: FOR RESPONSE; add'l info required May 9 OPP RDG Implementation Committee Meeting; RFA Progress update

Hi RR

Here is an update from today's call. In terms of RDG level participation, there was Robert D., Catherine L., Caroline C. but No Naina S. or Roger G. (fyi...David Heap was there for CCG [REDACTED])

**BC Related:**

- Many DM's actively involved and things evolving rapidly – many moving parts. Outcomes may impact future OPP co-ordination / delivery (e.g. some discussions re: development of integrated spill response regime) – will need to assess later in spring
- RCOM discussed – I provided update on draft RCOM agenda, recent work through OCC etc. [REDACTED]  
[REDACTED] Pls see attached emails on outcomes of discussion on agenda and joint fed-prov work on contacts, level of engagement etc.

**Regional Response Planning:**

- David H. provided update on south and north. Of note on south...no real plan or timetable yet and CCG looking to build off discussions as part of IAMC Marine Sub-committee and upcoming joint US/Canada exercise in June (with involvement of US Tribes and Canadian FN's). Of note on North...issues regarding non-signatures may impact project timelines
- [REDACTED]  
[REDACTED] David was going to do check-in with Mario Pelletier. I have raised regionally and nationally and do not plan to raise further.

**OPP Governance and Planning:**

- Quick discussion on national inter-departmental plans to review engagement, communications, governance etc, - this planned meeting has been deferred a couple of times and is now targeted for 3<sup>rd</sup> week of June in Ottawa (I plan to attend). There was some discussion on possibility of discussion of these topics at RDG Committee level prior to national session. Regardless, we are working at regional level with TC, CCG, ECCC to try to influence in positive direction



- Topic of "year 1 take stock / year 2 strategic planning session" at RDG level discussed (ie a half day or day on more strategic issues). Outcome is that it would be preferable to delay to late summer after TMX / BC context settles along with advancement of CIRNA rights recognition policy / legislative agenda (sounds like lots happening per Jim Barkwell CIRNA). I have raised this issue at my level. This outcome is fine and I do not plan to push further.

#### **Joint Heiltsuk and Fed Steering Committee:**

- Draft agenda shared with Heiltsuk along with possible dates of meeting (late May / early June)
- Pls see attached email notes from Brigid Payne on this which raises some DFO issues re: EIA
- It sounded like Robert has already scheduled a federal planning meeting for this Friday so most discussion deferred (plus Roger G. who is key player was not present for this call).
- There was reminder of May 31<sup>st</sup> BC Consultations session and need for federal co-ordination in advance

#### **Engagement Update:**

- TC provided update on RFA and depts. were asked if sign-off on track for May 18th. Per attached email from Libardo A., I reported that DFO appears to be on track. TC advised that June 21<sup>st</sup> seems to be the new targeted date for announcement (not Ocean's Day)
- Short update provided on South Coast Indigenous session which is currently underway in Nanaimo. Some potentially significant issues emerging regarding FN interest in shifting OPP to respond to FN priorities and recognize rights based / reconciliation environment, funding etc. (will need report back from DFO participants on this at tomorrow's OPS)

#### **Communications Update:**

- Tom Wakefield made references DFO/PCO led Oceans Strategy messaging, communication kits (have no idea what this is but assume you and Cheryl do)
- I requested copy of funding placemat that TC has developed to communicate funding coming to Pacific (given all the questions we get from FN's, Provinces etc.). We are aware of existence but we have been unable to get copy (yet it apparently has already gone to DM level)

#### **Other / Roundtable:**

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- I highlighted changes to OPP governance in DFO-CCG (i.e. Jaime C., CCG lead etc.)
- Jim Barkwell (CIRNA DG) indicated that his replacement will be [REDACTED] I think) – he will start in June. It was also discussed that there will be a separate inter-dept meeting scheduled over coming month to discuss status of various RR agreements, evolving policy framework, linkages / impacts to OPP etc. This may become a regular topic of RDG committee. The need for improved IAMC updates also raised (last meeting was April 24-25 th I think).



This forum has not met since Jan. but it is evident that the evolution towards broader discussion is continuing – particularly on FN side. I suppose this was the plan....seems scope is basically any significant inter-dept issue requiring awareness and co-ordination at senior regional levels. We may need to consider how best to support you in this forum moving forward.

We can discuss further at bi-lat but also happy to clarify anything

Regards

Ken

**Schwark, Valerie**

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**From:** Smith, Ken  
**Sent:** May-09-18 2:59 PM  
**To:** Binning, Kelly; Webb, Cheryl; Payne, Brigid; Dick, Robert  
**Cc:** Reid, Rebecca; Kim, Gia; Heap, David; Myers, Yvette; Lei, Cecilia; Carrigan, Kevin; Hayes, Trish; Ivancic, Maria  
**Subject:** RE: Follow up of April 20th OCC meeting/prep for May 24th RCOM meeting

Hi Oceans Folks

We had a discussion on the OPP agenda item this afternoon as part of RDG OPP / Oceans / Major Project Implementation Committee. In interests of time, and on behalf of TC (i.e. Robert Dick), I offered to pass the consensus feedback to incorporate into the next version of agenda.

It is proposed that:

- agenda item be reduced to 20 mins and, if possible, moved to near the end of the agenda (for a variety of reasons);
- purpose of agenda topic is to provide: i) OPP Update; and ii) Update on RCOM action item from last meeting re: identification of provincial contacts, desired level of engagement, and existing / planned co-ordination mechanisms.

Robert – If I have miscast anything, pls advise.

Regards

Ken

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**From:** Binning, Kelly  
**Sent:** Wednesday, May 9, 2018 9:10 AM  
**To:** 'Worsley, Kristin E FLNR:EX' <Kristin.Worsley@gov.bc.ca>; 'Lidstone, Allan B FLNR:EX' <Allan.Lidstone@gov.bc.ca>; 'charlie.short@gov.bc.ca' <charlie.short@gov.bc.ca>; 'Topelko, Karen FLNR:EX' <Karen.Topelko@gov.bc.ca>; 'Dunbar, Kirsten H FLNR:EX' <Kirsten.H.Dunbar@gov.bc.ca>; 'Danks, Anthony ENV:EX' <Anthony.Danks@gov.bc.ca>; 'Paquin, Lisa C ENV:EX' <Lisa.Paquin@gov.bc.ca>; 'Stevenson, Kira ENV:EX' <Kira.Stevenson@gov.bc.ca>; 'Travia, David V AGRI:EX' <David.Travia@gov.bc.ca>; 'Neilson, Larry AGRI:EX' <Larry.Neilson@gov.bc.ca>; 'Turner, Michael R AGRI:EX' <Michael.R.Turner@gov.bc.ca>; 'Gilmore, Christopher JTT:EX' <Christopher.Gilmore@gov.bc.ca>; 'Forman, Ryan EMPR:EX' <Ryan.Forman@gov.bc.ca>; 'Zavediuk, Jillian EMPR:EX' <Jillian.Zavediuk@gov.bc.ca>; 'Bachynski, Dave TRAN:EX' <Dave.Bachynski@gov.bc.ca>; 'Prpich, Danielle TRAN:EX' <Danielle.Prpich@gov.bc.ca>; 'Puggioni, Giovanni IRR:EX' <Giovanni.Puggioni@gov.bc.ca>; Payne, Brigid <Brigid.Payne@dfo-mpo.gc.ca>; Cheung, Alice <Alice.Cheung@dfo-mpo.gc.ca>; Amaya, Libardo <Libardo.Amaya@dfo-mpo.gc.ca>; 'Candace.Newman@NRCan-RNCan.gc.ca' <Candace.Newman@NRCan-RNCan.gc.ca>; 'andrea.wenham@canada.ca' <andrea.wenham@canada.ca>; 'Parnell, Ian (EC)' <ian.parnell@canada.ca>; 'Helen Davies' <helen.davies@pc.gc.ca>; McNish, Joanne <Joanne.McNish@dfo-mpo.gc.ca>; 'louise.murgatroyd@tc.gc.ca' <louise.murgatroyd@tc.gc.ca>; 'XT:Myers, Yvette ENV:IN' <Yvette.myers@tc.gc.ca>; Short, Charles J FLNR:EX (Charles.Short@gov.bc.ca) <Charles.Short@gov.bc.ca>  
**Cc:** Smith, Ken <Ken.Smith@dfo-mpo.gc.ca>; 'Newman, Candace (NRCan/RNCan)' <candace.newman@canada.ca>; Mar, Amy <Amy.Mar@dfo-mpo.gc.ca>; 'Hammond, Blair (EC)' <blair.hammond@canada.ca>; Creighton, Sheila <Sheila.Creighton@dfo-mpo.gc.ca>; Hayes, Trish <Trish.Hayes@dfo-mpo.gc.ca>; Ivancic, Maria (Maria.Ivancic@tc.gc.ca) <Maria.Ivancic@tc.gc.ca>; Carrigan, Kevin <Kevin.Carrigan@dfo-mpo.gc.ca>; Coyne, Alison G JTT:EX

<Alison.Coyne@gov.bc.ca>

**Subject:** Follow up of April 20th OCC meeting/prep for May 24th RCOM meeting

Good morning all,

Attached for your review is the draft RCOM agenda for May 24<sup>th</sup> meeting and action items from January 2018 RCOM meeting. Please provide any feedback by noon on Friday, May 11<sup>th</sup> as these will be distributed to RCOM Friday afternoon.

<< File: Revised OCC TOR\_May 1, 2018.docx >> << File: Revised PacificRCOM TOR\_May 1, 2018.doc >>

**Action Items from the April 20<sup>th</sup> Oceans Coordinating Committee Meeting include:**

- 1) **DFO to follow up on the outstanding action time regarding follow up with Ryan Forman re: National Energy Board modernization of policy and regulation.** Attached is the final Dec 2017 OCC meeting summary for reference.

<< File: OCC\_Meeting Summary Dec 15 2017 FINAL.docx >>

- 2) **All to review TOR for both OCC and RCOM in terms of scope. Analysis of scope/membership of RCOM/OCC – DFO/FLNRO to lead discussion at RCOM and will send around to OCC for review. DFO to distribute latest versions for review to OCC.** The revised OCC ToR have been updated for scope and membership to better align with the RCOM ToR. References to formal work plans have been removed as the context has changed, and we no longer have “OCC projects/budgets” per se. The membership list has been updated in RCOM ToR. The provincial ministry names have also been updated, as RCOM requested. No changes to context have been made at this time. Please let me know if any other changes/edits are required at this time.

<< File: RCOM\_Draft Agenda\_24May2018 for review.docx >> << File: Status of Previous RCOM Action Items.docx >>

- 3) **BC to provide existing broad Provincial emergency management mechanisms and contacts currently in place, identify gaps and how to coordinate mechanisms by April 30<sup>th</sup> to DFO.** Completed
- 4) **Transport Canada to add in timelines associated with each of these initiatives and put together a presentation for RCOM.**
- 5) **Amy to follow up with Kristen and Mike on a follow-up Provincial meeting on the Howe Sound Glass Sponge Reef Protection initiative.**

Let me know if any questions or concerns.

Thanks,

Kelly

**Kelly Binning**

Oceans Program Coordinator

Fisheries and Oceans Canada / Government of Canada

[Kelly.Binning@dfo-mpo.gc.ca](mailto:Kelly.Binning@dfo-mpo.gc.ca) / 604-666-2988

-----Original Appointment-----

**From:** Binning, Kelly

**Sent:** Friday, March 16, 2018 10:09 AM

**To:** Binning, Kelly; 'Worsley, Kristin E FLNR:EX'; 'Lidstone, Allan B FLNR:EX'; 'charlie.short@gov.bc.ca'; 'Topelko, Karen FLNR:EX'; 'Dunbar, Kirsten H FLNR:EX'; 'Danks, Anthony ENV:EX'; 'Paquin, Lisa C ENV:EX'; 'Stevenson, Kira ENV:EX'; 'Travia, David V AGRI:EX'; 'Neilson, Larry AGRI:EX'; 'Turner, Michael R AGRI:EX'; 'Gilmore, Christopher JTT:EX'; 'Forman, Ryan EMPR:EX'; 'Zavediuk, Jillian EMPR:EX'; 'Bachynski, Dave TRAN:EX'; 'Prpich, Danielle TRAN:EX'; 'Puggioni, Giovanni IRR:EX'; 'Payne, Brigid; Cheung, Alice; Amaya, Libardo; 'Candace.Newman@NRCan-RNCan.gc.ca'; 'andrea.wenham@canada.ca'; 'Parnell, Ian (EC)'; 'Helen Davies'; McNish, Joanne; 'louise.murgatroyd@tc.gc.ca'; 'XT:Myers, Yvette ENV:IN'; Short, Charles J FLNR:EX (Charles.Short@gov.bc.ca)

**Cc:** Smith, Ken; 'Newman, Candace (NRCan/RNCan)'; Mar, Amy; 'Hammond, Blair (EC)'; Creighton, Sheila; Hayes, Trish; Ivancic, Maria (Maria.Ivancic@tc.gc.ca); Carrigan, Kevin; Coyne, Alison G JTT:EX

**Subject:** Oceans Coordinating Committee Meeting - April 20th

**When:** 2018-April-20 9:30 AM-12:30 PM (UTC-08:00) Pacific Time (US & Canada).

**Where:** 2nd floor Boardroom B - DFO Building - 401 Burrard Street, Vancouver, BC

Hi all,

Meeting materials for the meeting tomorrow from 9:30am to 12:30pm.

Thanks,

Kelly

<< File: OCC AGENDA\_20Apr2018.docx >> << File: OCC\_Meeting Summary Dec 15 2017.docx >> << File: OPP Initiatives\_Provincial Contacts\_April 17 2018.xlsx >> << File: Howe Sound Update\_OCC\_April 2018.ppt >>

WebEX and Conference Call Info:

Topic: OCC

Date: Friday, April 20, 2018

Time: 9:00 am, Pacific Daylight Time (San Francisco, GMT-07:00)

Meeting Number: [REDACTED]

Meeting Password: [REDACTED]

s.16(2)

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To join the online meeting

- 
1. Go to <https://pwgsc-nh.webex.com/pwgsc-nh/j.php?MTID=m2588c04e9db422d12ab79e45f0627058>
  2. Enter your name and email address.
  3. Enter the meeting password: [REDACTED]
  4. Click "Join Now".

-----  
To join the teleconference only

-----

Call-in toll-free number: 1-877-413-4781 (Canada)

Call-in number: 1-613-960-7510 (Canada)

Attendee access code: [REDACTED]

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For assistance

- 
1. Go to <https://pwgsc-nh.webex.com>
  2. On the left navigation bar, click "Support".
  3. Call 1-800-226-6338 or 613-941-9554

You can contact me at:

[kelly.binning@dfo-mpo.gc.ca](mailto:kelly.binning@dfo-mpo.gc.ca)

Add this meeting to your calendar (Cannot add from mobile devices):

<https://pwgsc-nh.webex.com/pwgsc-nh/j.php?MTID=m64de40cf1974bc1673cffe1e4e678b48>

**Kelly Binning**

Oceans Program Coordinator

Fisheries and Oceans Canada / Government of Canada

[Kelly.Binning@dfo-mpo.gc.ca](mailto:Kelly.Binning@dfo-mpo.gc.ca) / 604-666-2988

## Schwark, Valerie

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**From:** Smith, Ken  
**Sent:** May-09-18 2:09 PM  
**To:** Dick, Robert; Kim, Gia  
**Cc:** Heap, David; Caroline Caza; Herald, Holly (EC); Bryant, Tanya (EC); Anna Classen; Hayes, Trish  
**Subject:** FW: OPP initiatives - provincial leads/ level of engagement  
**Attachments:** OPP Initiatives\_Provincial Contacts\_Level of Engt\_April 30 2018.xlsx

Hi Robert and Gia

Here is spreadsheet I was referring to during our call this afternoon.

I have cc'd a few other folks who I understand were on call

Regards

Ken

**From:** Hayes, Trish  
**Sent:** Monday, May 7, 2018 4:27 PM  
**To:** Smith, Ken <[Ken.Smith@dfo-mpo.gc.ca](mailto:Ken.Smith@dfo-mpo.gc.ca)>  
**Subject:** FW: OPP initiatives - provincial leads/ level of engagement

**From:** Worsley, Kristin E FLNR:EX [<mailto:Kristin.Worsley@gov.bc.ca>]  
**Sent:** May-07-18 4:25 PM  
**To:** Hayes, Trish; 'Ivancic, Maria'  
**Cc:** Short, Charles J FLNR:EX; Payne, Brigid; Binning, Kelly; Topelko, Karen FLNR:EX  
**Subject:** OPP initiatives - provincial leads/ level of engagement

Hi Trish/ Maria,

Following up on our discussion at OCC, I attach the latest OPP matrix, showing provincial leads and our priorities for engagement. A few points to note in the spreadsheet:

- A new column has been added to show the Province's desired level of engagement, categorized for this purpose as low (=receive information/updates), medium (=would like to be able to provide feedback and review) or high (=need to work collaboratively together).
- We have only identified a lead where there is more than one provincial contact listed and we are asking for more than "low" level engagement.
- The role of the identified leads will be to keep the other provincial contacts involved and looped in as needed.

Let me know if you have any further questions, as you scope the discussion for RCOM. I think it would be good to show RCOM that (1) we do have coordinating mechanisms in place for some initiatives that the Province has a med/high interest in engaging in (maybe with some examples) and (2) where the gaps are and how we propose they be filled.

Sorry I'm not able to make the May 24<sup>th</sup> meeting, but hope it goes well.

Cheers,  
Kristin

Kristin Worsley  
Manager, Marine and Coastal Resources  
Ministry of Forests, Lands, Natural Resource Operations, and Rural Development

Tel: (250) 387-2248 | Email: [Kristin.Worsley@gov.bc.ca](mailto:Kristin.Worsley@gov.bc.ca)

Oceans Protection Plan Pacific Region															
Initiatives and Sub-Initiatives			Description (85 details in bold italics)		Dept.	FEDERAL CONTACT	EMBRD	CGPR	ENW	EMPR	TBNB	IBR	IAO	Desired Level of Engagement (Low = Receive Information; Med = Provide Feedback; High = Collaborate)	Coordinating Mechanism
STATE-OF-THE-ART MARINE SAFETY SYSTEM															
BETTER INFORMATION ON MARINE TRAFFIC FOR Indigenous and COASTAL COMMUNITIES	Real-Time Marine Traffic Information for Indigenous and Coastal Communities	Space-Based Automatic Identification System	TC	Kelly Larkin 604-333-7895			Mike Turner michael.turner@gov.bc.ca							Low	
SAFER NAVIGATION THROUGH BETTER INFORMATION IN REMOTE AND RURAL HANDS	Modern Hydrography and Charting in Key Areas	This initiative will strengthen navigational safety and contribute to the prevention of marine incidents by providing up-to-date hydrographic information to mariners. It includes the collection, processing, and distribution of hydrographic products and services (tide and water level, under-keel and overhead information) in key areas, and conducting modern hydrographic and charting activities for navigation in 21 of Canada's highest priority waterways. The initiative will also support the development of a new generation of mariners through the <b>port (Port Alberni, Nanaimo, Campbell River, Chemainus, Esquimalt, Victoria, Port Moody, Coquitlam, Vancouver, Delta, Squamish, Surrey, Prince Rupert, Port Alberni, Prince Rupert, Osoyoos and Stewart have been completed to date. Near-shore surveying will be carried out for Haida Gwaii, the Strait of Georgia, and the Fraser River. Sound and State info, and dynamic hydrographic navigation products will be completed for Victoria, Port Moody, Vancouver and Fraser River Port. A key gap analysis to support dynamic products has been recently completed.</b>	DFO	Dave Prince 250-344-7447		Mike Turner michael.turner@gov.bc.ca	Stephen Bain Stephen.Bain@gov.bc.ca							Low	Informal discussions with BC representatives but open to discuss improved mechanisms. Regular updates to PACMAN VTO.
TOGETHER REQUIREMENTS FOR INDUSTRY	Canada's Regulatory and Enforcement International Influence	Update regulatory and industry frameworks to support OPI implementation; strengthen Canada's leadership in regards to international shipping regimes.	TC	Sally McPherson 604-666-4292	Kristin Worsley Kristin.Worsley@gov.bc.ca			Benjamin VanderSteen ben.vandersteen@gov.bc.ca; Kristin.Day@gov.bc.ca (LEAD)	Ryan Forman Ryan.Forman@gov.bc.ca			Rachel Shaw Rachel.Shaw@gov.bc.ca		Med	
	Modern Maritime Regulatory and Oversight Framework	The term "proactive vessel management" describes a more collaborative approach to working with commercial and stakeholders to manage local marine traffic issues (e.g., routing, speed, conflicts between waterway users). As part of this initiative, national guidance will be developed for managing local traffic issues. The initiative will also support the development of a new generation of mariners through the Maritime Management Framework being together a range of participants including coastal communities, Indigenous partner, industry and municipal governments and non-governmental organizations; and conduct pilot projects with local communities to further develop and evaluate the national framework. This initiative also encourages work on national maritime best practices.	TC	Louise Marzavroy 604-666-4299 Viggo 604-666-2387	Sally Cargill Sally.Cargill@gov.bc.ca		Mike Turner michael.turner@gov.bc.ca	Benjamin VanderSteen ben.vandersteen@gov.bc.ca; Kristin.Day@gov.bc.ca (LEAD)						Med	
	Peace of Refuge	TC will engage with Indigenous and coastal communities to support regional planning that ensures environmental, traditional knowledge, and cultural knowledge is incorporated into identifying appropriate sites of refuge for vessels. This would include the updating and/or creation of new policies, procedures, and protocols.	TC	David Kye 250-255-1501	Sally Cargill Sally.Cargill@gov.bc.ca		Mike Turner michael.turner@gov.bc.ca	Ben VanderSteen Benjamin.VanderSteen@gov.bc.ca (LEAD); Kristin.Day@gov.bc.ca						High	

ENHANCED RISK-BASED PLANNING AND DECISION MAKING	Baseline Environmental Data on Northern BC Coast	Baseline Environmental Data on the Northern BC Coast	To support response planning on British Columbia's North Coast, ECC will collect baseline environmental data.	ECCC	Veronica Smith 819-888-5788	Kristin Worland (LAD), Rebecca Martineau Rebecca.Martineau@gov.bc.ca	Shirley Turner shirley.turner@gov.bc.ca	Stephen Ray Stephen.Ray@gov.bc.ca	Rachel Shaw Rachel.Shaw@gov.bc.ca	Mark VandenBerg Mark.VandenBerg@gov.bc.ca	High	A sub-working group has been established with ECC, DFO and BC on data. They meet regularly.
	Regional Response Planning	Regional Response Planning	CCO Western Region will be leading the planning process for the North and Central Coast of BC in collaboration with their departments, Regional Districts and the Province of BC.	CCO	Tim McGinn 250-273-5718	Sally Cargill Sally.Cargill@gov.bc.ca	Ben Vander Steen Ben.VanderSteen@gov.bc.ca	Greg Boudreau Greg.Boudreau@gov.bc.ca	Critical Incidents Emergency Management James.Franklin@gov.bc.ca	James.Franklin@gov.bc.ca	High	A working group has been established between the Government of Canada, BC and First Nations
	Regional Response Planning	Regional Response Planning	TC responsible for the development of a North and Central Coast regional risk assessment. This includes developing a methodology and reviewing results with input from partners and stakeholders.	TC	David Reid 250-771-6234	Sally Cargill Sally.Cargill@gov.bc.ca	Ben Vander Steen Ben.VanderSteen@gov.bc.ca	Ben Vander Steen Ben.VanderSteen@gov.bc.ca	James.Franklin@gov.bc.ca	James.Franklin@gov.bc.ca	High	
	Regional Response Planning	Regional Response Planning	TC responsible for the development of a North and Central Coast regional risk assessment. This includes developing a methodology and reviewing results with input from partners and stakeholders.	ECCC	Veronique Seguin 819-950-5788	Sally Cargill Sally.Cargill@gov.bc.ca	Ben Vander Steen Ben.VanderSteen@gov.bc.ca	Ben Vander Steen Ben.VanderSteen@gov.bc.ca	James.Franklin@gov.bc.ca	James.Franklin@gov.bc.ca	Med	
ENHANCED RISK-BASED PLANNING AND DECISION MAKING	24/7 Emergency Response Capacity to Marine	24/7 Emergency Response Capacity to Marine	DFO will gather biological and socio-economic data, develop a Geospatial Data Management and Analysis platform (Marine Spatial Data Infrastructure), produce maps of ecologically vulnerable areas and inform a national response. In addition, DFO will complete data collection for significant gaps in areas in Canada, including the seven coast of BC.	ECCC	Eric Chiving 604-966-9017	Sally Cargill Sally.Cargill@gov.bc.ca	Ben Vander Steen Ben.VanderSteen@gov.bc.ca	Ben Vander Steen Ben.VanderSteen@gov.bc.ca	James.Franklin@gov.bc.ca	James.Franklin@gov.bc.ca	High	
	24/7 Emergency Response Capacity to Marine	24/7 Emergency Response Capacity to Marine	TC responsible for the development of a North and Central Coast regional risk assessment. This includes developing a methodology and reviewing results with input from partners and stakeholders.	CCO	Glen Omission 250-661-8759	Sally Cargill Sally.Cargill@gov.bc.ca	Ben Vander Steen Ben.VanderSteen@gov.bc.ca	Ben Vander Steen Ben.VanderSteen@gov.bc.ca	James.Franklin@gov.bc.ca	James.Franklin@gov.bc.ca	Low	
	24/7 Emergency Response Capacity to Marine	24/7 Emergency Response Capacity to Marine	This project will involve the purchase and deployment of 25 mobile command posts and emergency communications equipment to be located throughout Canada at existing CG facilities which will expand CG's incident command capability.	CCO	Markus Bue 250-480-2862	Sally Cargill Sally.Cargill@gov.bc.ca	Ben Vander Steen Ben.VanderSteen@gov.bc.ca	Ben Vander Steen Ben.VanderSteen@gov.bc.ca	James.Franklin@gov.bc.ca	James.Franklin@gov.bc.ca	Low	
	24/7 Emergency Response Capacity to Marine	24/7 Emergency Response Capacity to Marine	The Prince Rupert and Victoria MCTS Centres will see an increase in the staffing factor which will allow the MCTS program to provide to marine services with a full complement of trained and certified staff. This project will improve the efficiency and effectiveness of the response to marine emergencies, including marine pollution incidents, and the strategic management of all marine transportation-related emergencies.	CCO	Art Sturham 250-364-8822	Sally Cargill Sally.Cargill@gov.bc.ca	Ben Vander Steen Ben.VanderSteen@gov.bc.ca	Ben Vander Steen Ben.VanderSteen@gov.bc.ca	James.Franklin@gov.bc.ca	James.Franklin@gov.bc.ca	Low	
ENHANCED RISK-BASED PLANNING AND DECISION MAKING	Incident Command System	Incident Command System	The Incident Command System (ICS) will be implemented within TC, including the development of related policies and standards, training and exercises.	TC	Nolan Meale 604-809-8874	Sally Cargill Sally.Cargill@gov.bc.ca	Ben Vander Steen Ben.VanderSteen@gov.bc.ca	Ben Vander Steen Ben.VanderSteen@gov.bc.ca	James.Franklin@gov.bc.ca	James.Franklin@gov.bc.ca	Low	
	Legislative Changes to Provide CG with Authority for Ship-Source Pollution	Legislative Changes to Provide CG with Authority for Ship-Source Pollution	Through amendments to the Canada Shipping Act (CSA), 2001, strengthen and clarify CG's authority to enable a proactive response to ship-source pollution incidents.	TC	Jeff Brayer - CCG 604-816-7432 Julia Mah - TC 613-836-7432	Sally Cargill Sally.Cargill@gov.bc.ca	Ben Vander Steen Ben.VanderSteen@gov.bc.ca	Ben Vander Steen Ben.VanderSteen@gov.bc.ca	James.Franklin@gov.bc.ca	James.Franklin@gov.bc.ca	Med	
	Legislative Changes to Provide CG with Authority for Ship-Source Pollution	Legislative Changes to Provide CG with Authority for Ship-Source Pollution	Enhancement to the Agency's environmental response training and exercising program through increased training, large-scale exercises and the development of new courses.	CCO	Tim McCann 604-270-3278	Sally Cargill Sally.Cargill@gov.bc.ca	Ben Vander Steen Ben.VanderSteen@gov.bc.ca	Ben Vander Steen Ben.VanderSteen@gov.bc.ca	James.Franklin@gov.bc.ca	James.Franklin@gov.bc.ca	Med	
	Legislative Changes to Provide CG with Authority for Ship-Source Pollution	Legislative Changes to Provide CG with Authority for Ship-Source Pollution	TC will increase the capacity of environmental response services by establishing a pool of candidates that are skilled and knowledgeable in environmental response. Develop a student program to increase the capacity of environmental response services by establishing a pool of candidates that are skilled and knowledgeable in environmental response. Three distinct delivery models will be tested within the Port of Vancouver region: 1) a pool of candidates that are skilled and knowledgeable in environmental response; 2) a pool of candidates that are skilled and knowledgeable in environmental response; 3) a pool of candidates that are skilled and knowledgeable in environmental response.	CCO	Glen Omission 250-661-8759	Sally Cargill Sally.Cargill@gov.bc.ca	Ben Vander Steen Ben.VanderSteen@gov.bc.ca	Ben Vander Steen Ben.VanderSteen@gov.bc.ca	James.Franklin@gov.bc.ca	James.Franklin@gov.bc.ca	High	
ENHANCED RISK-BASED PLANNING AND DECISION MAKING	Increasing Emergency Tow Capacity	Increasing Emergency Tow Capacity	TC will increase the capacity of environmental response services by establishing a pool of candidates that are skilled and knowledgeable in environmental response. Develop a student program to increase the capacity of environmental response services by establishing a pool of candidates that are skilled and knowledgeable in environmental response. Three distinct delivery models will be tested within the Port of Vancouver region: 1) a pool of candidates that are skilled and knowledgeable in environmental response; 2) a pool of candidates that are skilled and knowledgeable in environmental response; 3) a pool of candidates that are skilled and knowledgeable in environmental response.	TC	Glen Omission 250-661-8759	Sally Cargill Sally.Cargill@gov.bc.ca	Ben Vander Steen Ben.VanderSteen@gov.bc.ca	Ben Vander Steen Ben.VanderSteen@gov.bc.ca	James.Franklin@gov.bc.ca	James.Franklin@gov.bc.ca	High	
	Increasing Emergency Tow Capacity	Increasing Emergency Tow Capacity	TC will increase the capacity of environmental response services by establishing a pool of candidates that are skilled and knowledgeable in environmental response. Develop a student program to increase the capacity of environmental response services by establishing a pool of candidates that are skilled and knowledgeable in environmental response. Three distinct delivery models will be tested within the Port of Vancouver region: 1) a pool of candidates that are skilled and knowledgeable in environmental response; 2) a pool of candidates that are skilled and knowledgeable in environmental response; 3) a pool of candidates that are skilled and knowledgeable in environmental response.	TC	Glen Omission 250-661-8759	Sally Cargill Sally.Cargill@gov.bc.ca	Ben Vander Steen Ben.VanderSteen@gov.bc.ca	Ben Vander Steen Ben.VanderSteen@gov.bc.ca	James.Franklin@gov.bc.ca	James.Franklin@gov.bc.ca	High	
	Increasing Emergency Tow Capacity	Increasing Emergency Tow Capacity	TC will increase the capacity of environmental response services by establishing a pool of candidates that are skilled and knowledgeable in environmental response. Develop a student program to increase the capacity of environmental response services by establishing a pool of candidates that are skilled and knowledgeable in environmental response. Three distinct delivery models will be tested within the Port of Vancouver region: 1) a pool of candidates that are skilled and knowledgeable in environmental response; 2) a pool of candidates that are skilled and knowledgeable in environmental response; 3) a pool of candidates that are skilled and knowledgeable in environmental response.	TC	Glen Omission 250-661-8759	Sally Cargill Sally.Cargill@gov.bc.ca	Ben Vander Steen Ben.VanderSteen@gov.bc.ca	Ben Vander Steen Ben.VanderSteen@gov.bc.ca	James.Franklin@gov.bc.ca	James.Franklin@gov.bc.ca	High	
	Increasing Emergency Tow Capacity	Increasing Emergency Tow Capacity	TC will increase the capacity of environmental response services by establishing a pool of candidates that are skilled and knowledgeable in environmental response. Develop a student program to increase the capacity of environmental response services by establishing a pool of candidates that are skilled and knowledgeable in environmental response. Three distinct delivery models will be tested within the Port of Vancouver region: 1) a pool of candidates that are skilled and knowledgeable in environmental response; 2) a pool of candidates that are skilled and knowledgeable in environmental response; 3) a pool of candidates that are skilled and knowledgeable in environmental response.	TC	Glen Omission 250-661-8759	Sally Cargill Sally.Cargill@gov.bc.ca	Ben Vander Steen Ben.VanderSteen@gov.bc.ca	Ben Vander Steen Ben.VanderSteen@gov.bc.ca	James.Franklin@gov.bc.ca	James.Franklin@gov.bc.ca	High	
ENHANCED RISK-BASED PLANNING AND DECISION MAKING	Policy Analysis to Move Towards a Seamless Response System for All Spills in Water	Policy Analysis to Move Towards a Seamless Response System for All Spills in Water	TC will work with partners to inform a proposal for a seamless, integrated response system for all sources of pollution on water.	TC	Ennis Gullish 613-991-4344	Sally Cargill Sally.Cargill@gov.bc.ca	Ben Vander Steen Ben.VanderSteen@gov.bc.ca	Ben Vander Steen Ben.VanderSteen@gov.bc.ca	James.Franklin@gov.bc.ca	James.Franklin@gov.bc.ca	High	
	Policy Analysis to Move Towards a Seamless Response System for All Spills in Water	Policy Analysis to Move Towards a Seamless Response System for All Spills in Water	Improvements to the Ship-Source Oil Pollution Fund will be reviewed and implemented.	TC	Mark Henry - CCG 613-991-4885	Sally Cargill Sally.Cargill@gov.bc.ca	Ben Vander Steen Ben.VanderSteen@gov.bc.ca	Ben Vander Steen Ben.VanderSteen@gov.bc.ca	James.Franklin@gov.bc.ca	James.Franklin@gov.bc.ca	Med	
	Policy Analysis to Move Towards a Seamless Response System for All Spills in Water	Policy Analysis to Move Towards a Seamless Response System for All Spills in Water	Conduct analysis, and engage partners and stakeholders to develop options for a streamlined and response framework to address source HMS releases	TC	Unlabeled Person 613-998-8710	Sally Cargill Sally.Cargill@gov.bc.ca	Ben Vander Steen Ben.VanderSteen@gov.bc.ca	Ben Vander Steen Ben.VanderSteen@gov.bc.ca	James.Franklin@gov.bc.ca	James.Franklin@gov.bc.ca	Med	
	Policy Analysis to Move Towards a Seamless Response System for All Spills in Water	Policy Analysis to Move Towards a Seamless Response System for All Spills in Water	Framework to address source HMS releases	TC	Unlabeled Person 613-998-8710	Sally Cargill Sally.Cargill@gov.bc.ca	Ben Vander Steen Ben.VanderSteen@gov.bc.ca	Ben Vander Steen Ben.VanderSteen@gov.bc.ca	James.Franklin@gov.bc.ca	James.Franklin@gov.bc.ca	Med	





		Working with Transport Canada, Coast Guard will implement a comprehensive strategy that will see the... in the event of a spill, the... navigation or pollution; lack of an inventory and risk assessment of vessels in Canadian waters, inability to identify the owners of a vessel, and follow-up on at-risk vessels and support remediation.	CCG TC	CCG-Sue Pickett 778-678-7092 Sue Pickett 778-678-7092	Charles Short Charles.Short@gov.bc.ca, Nikki Lachance Nikki.Lachance@gov.bc.ca (LEAD)	Charles Short Charles.Short@gov.bc.ca, Nikki Lachance Nikki.Lachance@gov.bc.ca (LEAD)	Peggy Evans Peggy.Evans@gov.bc.ca				Med	
		Risk Based Strategy to... monitoring plans. This project is national, however two weeks of concern are in Deep Bay Harbour, BC (Hartley and Hartley)	CCG	Sue Pickett 778-678-7092	Charles Short Charles.Short@gov.bc.ca, Nikki Lachance Nikki.Lachance@gov.bc.ca (LEAD)	Charles Short Charles.Short@gov.bc.ca, Nikki Lachance Nikki.Lachance@gov.bc.ca (LEAD)	Sonya Sundberg Sonya.Sundberg@gov.bc.ca				Med	
		Research to Advance... Education and Outreach	TC	Eric Hubbard 613-998-9885	Charles Short Charles.Short@gov.bc.ca, Nikki Lachance Nikki.Lachance@gov.bc.ca (LEAD)	Charles Short Charles.Short@gov.bc.ca, Nikki Lachance Nikki.Lachance@gov.bc.ca (LEAD)	Sonya Sundberg Sonya.Sundberg@gov.bc.ca				Med	
		Building Meaningful... Marine Safety System	CCG	Dawn Nepe (CCG) 604-666-2628	Charles Short Charles.Short@gov.bc.ca, Nikki Lachance Nikki.Lachance@gov.bc.ca (LEAD)	Charles Short Charles.Short@gov.bc.ca, Nikki Lachance Nikki.Lachance@gov.bc.ca (LEAD)	Angie Post-Angle Angie.Post-Angle@gov.bc.ca, Hilary Wheeler Hilary.Wheeler@gov.bc.ca, Michal Messent Michal.Messent@gov.bc.ca (LEAD)				Med	
		Coast Guard Auxiliary... B.C.	CCG	Tyler Brand 250-440-2635	Sally Cargill Sally.Cargill@gov.bc.ca	Sally Cargill Sally.Cargill@gov.bc.ca	Angie Post-Angle Angie.Post-Angle@gov.bc.ca, Hilary Wheeler Hilary.Wheeler@gov.bc.ca, Michal Messent Michal.Messent@gov.bc.ca (LEAD)				Low	
		Indigenous Community... Response Teams	CCG	Tyler Brand 250-440-2635	Sally Cargill Sally.Cargill@gov.bc.ca	Sally Cargill Sally.Cargill@gov.bc.ca	Angie Post-Angle Angie.Post-Angle@gov.bc.ca, Hilary Wheeler Hilary.Wheeler@gov.bc.ca, Michal Messent Michal.Messent@gov.bc.ca (LEAD)				Med	
		Strengthening our... WATER AND AWE... TECHNOLOGIES... FOR SPILL CLEAN... UP		Lois Parnash 613-998-9286 Melanie Smith 613-998-9275	Kristin Worsley Kristin.Worsley@gov.bc.ca (LEAD) Charles Short Charles.Short@gov.bc.ca	Kristin Worsley Kristin.Worsley@gov.bc.ca (LEAD) Charles Short Charles.Short@gov.bc.ca	Ben Vander Steen Ben.VanderSteen@gov.bc.ca, Kristin Worsley Kristin.Worsley@gov.bc.ca, Carly Cocchi Carly.Cocchi@gov.bc.ca (LEAD)				High	
		Engage Research on... Fits, Behaviour and... Biological Impact	DFO ECCC MECAN	Lois Parnash 613-998-9286 Melanie Smith 613-998-9275	Kristin Worsley Kristin.Worsley@gov.bc.ca (LEAD) Charles Short Charles.Short@gov.bc.ca	Kristin Worsley Kristin.Worsley@gov.bc.ca (LEAD) Charles Short Charles.Short@gov.bc.ca	Ben Vander Steen Ben.VanderSteen@gov.bc.ca, Kristin Worsley Kristin.Worsley@gov.bc.ca, Carly Cocchi Carly.Cocchi@gov.bc.ca (LEAD)				High	
		Improve Federal... INDIGENOUS... COORDINATION... AND PLANNING OF... MARINE RELATED... ACTIVITIES		Lois Parnash 613-998-9286 Melanie Smith 613-998-9275	Kristin Worsley Kristin.Worsley@gov.bc.ca (LEAD) Charles Short Charles.Short@gov.bc.ca	Kristin Worsley Kristin.Worsley@gov.bc.ca (LEAD) Charles Short Charles.Short@gov.bc.ca	Ben Vander Steen Ben.VanderSteen@gov.bc.ca, Kristin Worsley Kristin.Worsley@gov.bc.ca, Carly Cocchi Carly.Cocchi@gov.bc.ca (LEAD)				High	
		Greater Public... AWARENESS OF... AND CONFIDENCE... IN MARINE SAFETY	TC	Katherine Saville 604-666-2628	Karen Topolko Karen.Topolko@gov.bc.ca	Karen Topolko Karen.Topolko@gov.bc.ca	Paule Brach Paule.Brach@gov.bc.ca (LEAD)				Med	

**Schwark, Valerie**

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**From:** Payne, Brigid  
**Sent:** May-08-18 8:09 PM  
**To:** Smith, Ken  
**Cc:** Chang, Raymond; Webb, Cheryl; Chiang, Eric  
**Subject:** RE: FOR RESPONSE; add'l info required May 9 OPP RDG Implementation Committee Meeting  
**Attachments:** MECTS-#3897367-v1-Main\_Docs\_2018-001-00596.pdf

Hi Ken,

Heiltsuk / Federal Steering Committee –

- As noted, April 26<sup>th</sup> meeting was cancelled
- EMB has had little involvement in this process to date; it is led by TC
- That said, we would like to see a couple issues added to the agenda for next meeting of this group:

1) EIA / HHIA:

- There are issues with respect to next steps in completion of the Seaforth Incident Environmental Impact Assessment (which the ICS for the incident has agreed to advance) and a Human Health Impact Assessment (which the ICS has not agreed to advance, but Heiltsuk is pushing for).
- There are complexities related to the involvement of BC in the EIA process outside of the ICS, and also some issues in getting updated ToR out to Heiltsuk. This has led to a slow-down in the EIA process

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and in bringing the Seaforth file closer to conclusion.

2)

- Given the significant complexities, and cross-departmental implications, I see value in developing a working team to prepare options for dealing with Heiltsuk on this issue, ideally before the steering committee meeting with Heiltsuk (DFO, CCG, ECCC, possibly Health Canada for HHIA questions, perhaps others).

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- I assume there are other issues for the agenda, but I don't have any input to these.

I think Eric may be prepping a more detailed briefing on this point.

Continues to be uncertainty about which gov't dept should be leading, but you'll note that DFO is tagged in the attached correspondence from Heiltsuk which lays out their position and concerns in more detail.

Brigid

**From:** Binning, Kelly  
**Sent:** May-08-18 5:16 PM  
**To:** Chang, Raymond; Okahori, Karen  
**Cc:** Payne, Brigid  
**Subject:** RE: FOR RESPONSE; add'l info required May 9 OPP RDG Implementation Committee Meeting

Hi Karen/Raymond,  
Updated draft agenda and completed action items list regarding RCOM if required.  
Thanks,  
Kelly

**From:** Chang, Raymond  
**Sent:** Tuesday, May 08, 2018 11:31 AM  
**To:** Okahori, Karen  
**Cc:** Payne, Brigid; Binning, Kelly  
**Subject:** RE: FOR RESPONSE; add'l info required May 9 OPP RDG Implementation Committee Meeting

Hi Karen,

Kelly Binning has provided a response which you might find helpful.

Thank you,  
Raymond

**From:** Okahori, Karen  
**Sent:** May-08-18 10:12 AM  
**To:** Payne, Brigid  
**Cc:** Chang, Raymond  
**Subject:** FOR RESPONSE; add'l info required May 9 OPP RDG Implementation Committee Meeting

...one more request (in addition to RCOM stuff)...

Joint Heiltsuk and Fed Steering Committee – The April 26 meeting was cancelled but do we have any updates/next steps. If you could provide some points on this also.

Thanks very much Brigid.

Karen

**From:** Okahori, Karen  
**Sent:** May-08-18 9:29 AM  
**To:** Smith, Ken; Payne, Brigid  
**Cc:** Sidhu, Mandip; Chang, Raymond  
**Subject:** May 9 OPP RDG Implementation Committee Meeting

Ken - A change in plans (again). RDG's other commitment has been cancelled so she can now attend the May 9 OPP RDG implementation Committee meeting. You are welcome to join her in her office for the videoconference.

Brigid – If you could supply me with the May 24 RCOM agenda and any notes. Also, is the Record of Decision (even if its draft) available from the last RCOM meeting (Jan 23)? I would need a copy of that also. Thank you.

**From:** Okahori, Karen  
**Sent:** May-07-18 3:07 PM  
**To:** Smith, Ken; Payne, Brigid  
**Cc:** Sidhu, Mandip; Chang, Raymond  
**Subject:** RE: OPP RDG Implementation Committee Meeting

Hi Ken - Rebecca asked if you could participate in her absence.

Brigid – Agenda for the May 9 OPP meeting that Ken will be participating in RDG's absence. Could you please provide Ken with the May 24 RCOM agenda and any notes which Ken can speak to. Thank you.

**From:** Smith, Ken  
**Sent:** May-07-18 11:26 AM  
**To:** Reid, Rebecca  
**Cc:** Okahori, Karen  
**Subject:** FW: OPP RDG Implementation Committee Meeting

I understand you are not available for this but pls confirm. I am assuming I will attend.

Regards

Ken

**Pages 569 to / à 584**  
**are not relevant**  
**sont non pertinentes**

## Schwark, Valerie

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**From:** Amaya, Libardo  
**Sent:** May-09-18 8:41 AM  
**To:** Smith, Ken  
**Cc:** Payne, Brigid  
**Subject:** RFA Progress update

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Hello Ken,

I was informed that you will be attending the RDG OPP Implementation meeting this afternoon on behalf of the RDG. A RFA progress update is included as a line item under the engagement section of the RDG OPP Meeting today. As such, you are likely to hear something like the bullets below from TC (or whomever is providing the update).

- RFA is nearing finalization. Agreement in principle on the text of the RFA was reached on March 2, 2018. Since early March 2018, the RFA has been undergoing federal review, including with Central Agencies. Indigenous communities have been undertaking similar reviews. [REDACTED]
- On April 27, at an inaugural meetings of the Executive and Bioregional Steering Committees was held, and the Parties agreed to work towards a ratification date of May 18<sup>th</sup>.
- Coastal First Nations - Great Bear Initiative agreed to facilitate the approval of the RFA by Indigenous communities. June 8, 2018 (Oceans day) was been proposed as a date for announcement of the RFA.

In regards to the approval process at DFO, the Pacific Region submitted a BN recommending the signing of the RFA by the Minister by May 18, 2018 as agreed by the Parties at the inaugural Executive and Bioregional Steering Committees. The Note has been approved by ADM, Aquatic Ecosystems and is now at the DMO office.

Please let me know if you require any further information.

Libardo

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s.23

**Galka, Stephanie**

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**From:** Marquis, H        
**Sent:** May-10-18 5:25 PM  
**To:** Winfield, Nicholas  
**Cc:** Crance, Colin  
**Subject:** TR: [REDACTED]  
**Attachments:** [REDACTED]

Nick – FYI

Colin is preparing a summary.

H      

**De :** Crance, Colin  
**Envoy   :** 10 mai 2018 17:17  
**   :** Marquis, H       <[Helene.Marquis@dfo-mpo.gc.ca](mailto:Helene.Marquis@dfo-mpo.gc.ca)>  
**Cc :** Gordanier, Tania <[Tania.Gordanier@dfo-mpo.gc.ca](mailto:Tania.Gordanier@dfo-mpo.gc.ca)>  
**Objet :** FW: [REDACTED]

H       – I [REDACTED]  
[REDACTED] will prepare a summary.

Colin

**From:** Champagne,        [<mailto:Emilie.Champagne@justice.gc.ca>]  
**Sent:** May 10, 2018 5:05 PM  
**To:** Crance, Colin  
**Cc:** Townsend, Jill  
**Subject:** [REDACTED]

Hi Colin,

[REDACTED]

      

**       Champagne**  
Avocate/Counsel



Ministère de la Justice/Department of Justice  
Services juridiques, ministère des pêches et des océans  
Legal Services, Department of Fisheries and Oceans  
200 Kent, 8e étage sud – 8<sup>th</sup> floor South  
Ottawa (Ontario) K1A 0E6  
Tél: (613) 998-9059 – Fax: (613) 990-9385  
\*new – nouveau [Emilie.Champagne@justice.gc.ca](mailto:Emilie.Champagne@justice.gc.ca)  
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are withheld pursuant to sections  
sont retenues en vertu des articles**

**21(1)(b), 23**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

**Galka, Stephanie**

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**From:** Marquis, Hélène  
**Sent:** May-11-18 2:35 PM  
**To:** Morel, Philippe  
**Cc:** Winfield, Nicholas; Smith, Kathleen; Crance, Colin  
**Subject:** TR: [REDACTED]  
**Attachments:** [REDACTED]

Philippe – Tel que discuté. Nous préparons un sommaire de cette information..

s.21(1)(b)

Hélène

s.23

**From:** Champagne, Émilie [<mailto:Emilie.Champagne@justice.gc.ca>]  
**Sent:** May 10, 2018 5:05 PM  
**To:** Crance, Colin  
**Cc:** Townsend, Jill  
**Subject:** [REDACTED]

Hi Colin,

Émilie

**Émilie Champagne**  
Avocate/Counsel  
Ministère de la Justice/Department of Justice  
Services juridiques, ministère des pêches et des océans  
Legal Services, Department of Fisheries and Oceans  
200 Kent, 8e étage sud – 8<sup>th</sup> floor South  
Ottawa (Ontario) K1A 0E6  
Tél: (613) 998-9059 – Fax: (613) 990-9385  
\*new – nouveau [Emilie.Champagne@justice.gc.ca](mailto:Emilie.Champagne@justice.gc.ca)  
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**Pages 606 to / à 622  
are duplicates of  
sont des duplicatas des  
pages 588 to / à 604**

## Schwark, Valerie

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**From:** Smith, Ken  
**Sent:** May-15-18 10:24 AM  
**To:** Reid, Rebecca; Lowe, Carmel; Webb, Cheryl; Carlson, Mike  
**Cc:** Payne, Brigid; Klaver, March; Hayes, Trish; Stadel, Angela; Cauffope, Genevieve; Silverstein, Adam; Antcliffe, Bonnie; Carrigan, Kevin  
**Subject:** Some Changes to OPP Oversight / Governance .....FW: DG Steering Committee Meeting  
**Attachments:** Copy of Copy of OPP Steering Committee Meetings - Agendas List with DFO Rev 1.xlsx

Hi Rebecca and OPP RD's

I am writing to provide an update from a national call last Friday that was chaired by Jaime Caceres (Jaime recently replaced Michelle Wheatley and now reports up through CCG Deputy Comm Mario Pelletier). Key highlights follow.

- OPPOC ADM/RDG forum is to be re-branded and become more strategic in nature with a focus on significant cross cutting issues. It will be chaired by Mario Pelletier and meet less frequently (every 4-6 weeks) with next one planned sometime in June.
- The entire dept. will move to a weekly DG level project management reporting and co-ordination forum (DG Steering Committee) that has been successfully used by CCG. Essentially DG project leads will provide brief updates, monitor results, identify key co-ordination issues etc. once a month for each project as per the attached schedule (4 groups rotate weekly). This forum will also be used to support the ADM/RDG level forum including identification of cross cutting issues. Regions can also participate but at this stage it is a bit unclear on how this best be done and who is best positioned to support. This forum will adapt as required moving forward but intention is to get going.
- OPP Co-ordinators Forum (which I sit on) will continue and will be strengthened to improve focus on cross cutting issues and connections across programs / regions / depts..

I will seek to get plugged into DG Steering Committee process but will need to follow-up to discuss regional participation moving forward.

Regards,

Ken Smith  
Director, Oceans Protection Plan Secretariat  
Fisheries and Oceans Canada – Pacific Region  
(604) 666-0346

**From:** Carrigan, Kevin  
**Sent:** Monday, May 14, 2018 9:11 PM

**To:** Smith, Ken <Ken.Smith@dfo-mpo.gc.ca>; Hayes, Trish <Trish.Hayes@dfo-mpo.gc.ca>

**Subject:** FW: DG Steering Committee Meeting

Hi

I think I have briefed you on the weekly DG Steering Committee meetings that are scheduled for Thursday mornings. I have attached the revised schedule that includes DFO lead initiatives who will now be reporting to the committee.

The committee will also expand to include DFO members. Each week approximately 25% of the projects/initiatives are updated by national leads. The committee can ask questions or provide guidance and [REDACTED] I call in each week or have someone listen in for me.

You may have been invited already but if not and you wish to be included I can add your name to the distribution list.

Cheers

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Kevin

**From:** Bertorelli, John

**Sent:** May-06-18 9:26 AM

**To:** Lick, Gregory; Ryan, Sam; Sanderson, Marc

**Cc:** Pelletier, Mario; Smith, Andy; O'Rourke, Neil; Caceres, Jaime; Melanson, Simon; Ferro, Antonella; Lavell, Shelley; Perron, Donat J; Jollez, Katia; Carrigan, Kevin; Lajeunesse, Stephanie; Cosgrove, Joseph; Parker, Mia; Harber, Lee; Courchaine, Holly

**Subject:** RE: DG Steering Committee Meeting

I have updated the listing to delete the EMSA and CSAP projects from Group 4. These were moved to Group 3.

Cheers

**From:** Bertorelli, John

**Sent:** May-06-18 12:06 PM

**To:** Lick, Gregory; Ryan, Sam; Sanderson, Marc

**Cc:** Pelletier, Mario; Smith, Andy; O'Rourke, Neil; Caceres, Jaime; Melanson, Simon; Ferro, Antonella; Lavell, Shelley; Perron, Donat J; Jollez, Katia; Carrigan, Kevin; Lajeunesse, Stephanie; Cosgrove, Joseph; Parker, Mia; Harber, Lee; Courchaine, Holly

**Subject:** DG Steering Committee Meeting

Attached, please find a revised DG Steering Committee Project Grouping list that incorporates the new DFO Sub-Initiatives. The list has been updated with the cooperation of both CCG/DFO representatives.

In order to continue with our meeting's efficiency and effectiveness, we have grouped the DFO Sub-initiatives based on the following criteria:

1. Joint Initiative Projects such as RRP and VOC have been added to the RRP and VOC applicable CCG Group Meeting in order to have a combined status update;
2. For those that are not considered Joint Initiatives, we have incorporated the DFO Sub-initiatives based on the Program Pillar/Initiative structure with our CCG Projects; and finally,
3. We have attempted to minimize the amount of Group meetings that DFO DGs attend. Only a few will be in a position to attend twice a month.

We have also considered extending the duration for each Group Meeting. Now, based on our experiences over the past year, we have found that the allotted 1.5 hour durations were sufficient for all Groups (providing no

project presentations took place) I propose that we continue with the current format and make any necessary change once we have completed a few meetings.

A reminder that, currently, our PMs are providing 10-15 minute updates based on the following Project Progress Report (PPR) elements:

- A brief Executive Summary (including scope);
- Schedule (Milestones / Key Outputs) and Budget Updates;
- Issues and Critical Risks;
- Engagement & Consultation Updates; and
- Communication – Announcements / Achievements.

Please note that DFO status updates are and will continue to be presented at the Sub-initiative level.

If you have any comments or suggestions please feel free in communication them by Tomorrow 1:00. The plan is to commence with this new proposed cycle this coming Thursday with Group #4.

Cheers

John Be.

<b>GROUP 1</b>					
<b>Project Code</b>	<b>Project Name</b>	<b>Project Manager</b>	<b>Pillar</b>	<b>Initiative</b>	<b>Sub-Initiative</b>
<b>8G110</b>	24/7 emergency response capacity to effectively manage marine incidents	Evan Boettger	STATE OF THE ART MARINE SAFETY SYSTEM	FEDERAL OVERSIGHT OF INCIDENT MANAGEMENT	24/7 EMERGENCY RESPONSE CAPACITY TO EFFECTIVELY MANAGE MARINE INCIDENTS
<b>8G120</b>	Maritime Rescue Sub-Centre (MRSC St. John's)	Ray McFadgen	STATE OF THE ART MARINE SAFETY SYSTEM	FEDERAL OVERSIGHT OF INCIDENT MANAGEMENT	24/7 EMERGENCY RESPONSE CAPACITY TO EFFECTIVELY MANAGE MARINE INCIDENTS
<b>8G300</b>	MCTS Staffing Factor	Diane Faubert	STATE OF THE ART MARINE SAFETY SYSTEM	FEDERAL OVERSIGHT OF INCIDENT MANAGEMENT	MCTS STAFFING FACTOR
<b>8H320</b>	New CCG Stations (SAR)	Jean Frenette	STATE OF THE ART MARINE SAFETY SYSTEM	ON-WATER PRESENCE AND RESPONSE CAPACITY	SIX NEW SAR LIFEBOATS AND IN-SHORE RESCUE BOAT
<b>8J110</b>	Installation and Operationalization of Tow Capacity	Guy Vanderwaeren	STATE OF THE ART MARINE SAFETY SYSTEM	INCREASE EMERGENCY TOW CAPACITY	INCREASE EMERGENCY TOW CAPACITY
<b>8J130</b>	Leasing Towing Vessels	Henri Legros	STATE OF THE ART MARINE SAFETY SYSTEM	INCREASE EMERGENCY TOW CAPACITY	INCREASE EMERGENCY TOW CAPACITY
<b>8J140</b>	Emergency Towing Needs Analysis	Jon Mahdi	STATE OF THE ART MARINE SAFETY SYSTEM	INCREASE EMERGENCY TOW CAPACITY	INCREASE EMERGENCY TOW CAPACITY
<b>8B100</b>	Operational Network (OpNet)	Ashley O'Brien / MJ Windover	STATE OF THE ART MARINE SAFETY SYSTEM	NATIONAL VESSEL TRACKING AND MONITORING SYSTEM	OPERATIONAL NETWORK (OpNet)
<b>8B200</b>	Strengthen the National MCTS Radar Network	Eric Arsenault	STATE OF THE ART MARINE SAFETY SYSTEM	NATIONAL VESSEL TRACKING AND MONITORING SYSTEM	ADDITIONAL RADAR SITES
<b>8Q210</b>	Marine Animals Response/Marine Protected Areas Surveillance	Darren Goetze (DG, Conservation and Protection)	PRESERVATION AND RESTORATION OF MARINE ECOSYSTEMS	Conserve or Restore Marine Ecosystems	Marine Mammal Response and Marine Protected Areas Surveillance and Enforcement Program
<b>8C110</b> <b>8C120</b> <b>8C130</b> <b>8C140</b> <b>8C141</b> <b>8C142</b> <b>8C145</b> <b>8C150</b>	1. 'CHS - Ports and Waterways. 2. CHS - Near-shore. 3. CHS - DHPS (Dynamic Hydrographic Products and Services). 4. CHS - Arctic. 5. HMCS Kingston. 6. RRS Ernest Shackelton. 7. CCGS Henry Larsen. 8. CHS - Earth Observation Acquisition and Analysis. 9. CHS - OPP integration Group.	Genevieve, Béchard (Canadian Hydrographic Services, Science)	PRESERVATION AND RESTORATION OF MARINE ECOSYSTEMS	Navigational Information	Modern Hydrography and Charting in Key Areas
<b>Note:</b> Moved CCG OpNet and Radar projects From Group 4 to Group 1.					



<b>GROUP 2</b>					
<b>Project Code</b>	<b>Project Name</b>	<b>Project Manager</b>	<b>Pillar</b>	<b>Initiative</b>	<b>Sub-Initiative</b>
<b>8H210</b>	CCG ER Training and Exercising Program	Janet Twining	STATE OF THE ART MARINE SAFETY SYSTEM	ON-WATER PRESENCE AND RESPONSE CAPACITY	INCREASE ON-SCENE ENVIRONMENTAL RESPONSE CAPACITY
<b>8W200</b>	Leverage CCGA for Environmental Response	Janet Twining	INDIGENOUS PARTNERSHIPS	ENHANCED INDIGENOUS AND COMMUNITY CAPACITY IN THE DESIGN AND DELIVERY OF THE MARINE SAFETY AND ENVIRONMENTAL PROTECTION MEASURES	LEVERAGE CCGA FOR ENVIRONMENTAL RESPONSE
<b>8L200</b>	Making Funds Easily Accessible for Response Clean-up	Mark Henry	STATE OF THE ART MARINE SAFETY SYSTEM	ON-WATER PRESENCE AND RESPONSE CAPACITY	MAKING FUNDS EASILY ACCESSIBLE FOR RESPONSE AND CLEAN-UP
<b>8H500</b>	Port Hardy Depot	Randy Burgin	STATE OF THE ART MARINE SAFETY SYSTEM	ON-WATER PRESENCE AND RESPONSE CAPACITY	NEW STAFFED LOGISTIC DEPOT NEAR PORT HARDY IN BC
<b>8D200</b>	Strengthen Coast Guard Authorities for Environmental Response	Dan Cowan	STATE OF THE ART MARINE SAFETY SYSTEM	MODERNIZE REGULATORY AND OVERSIGHT FRAMEWORK	STRENGTHEN COAST GUARD AUTHORITIES (FRAMEWORK)
<b>8H100</b>	Legislative Changes to Provide CCG with Clarified Authorities for Ship-Source Pollution Incidents	Dan Cowan	STATE OF THE ART MARINE SAFETY SYSTEM	ON-WATER PRESENCE AND RESPONSE CAPACITY	LEGISLATIVE CHANGES TO PROVIDE CCG WITH CLARIFIED AUTHORITIES FOR SHIP-SOURCE POLLUTION INCIDENTS
<b>8L100</b>	Hazardous and Noxious Substances (HNS) Spill Response	Dan Cowan	STATE OF THE ART MARINE SAFETY SYSTEM	POLICY ANALYSIS TO MOVE TOWARDS A SEAMLESS, INTEGRATED RESPONSE FRAMEWORK FOR SPILLS IN WATER AND TO MAKE FUNDS EASILY ACCESSIBLE FOR RESPONSE CLEAN-UP	ESTABLISHING A NATIONAL FRAMEWORK TO RESPOND TO HAZARDOUS AND NOXIOUS SUBSTANCES (HNS) FROM SHIPS
<b>8M100</b>	Alternative Response Measures (ARMs)	Dan Cowan	STATE OF THE ART MARINE SAFETY SYSTEM	ALTERNATIVE RESPONSE MEASURES (ARMs)	ALTERNATIVE RESPONSE MEASURES (ARMs)
<b>8H230</b>	Primary Environmental Response Teams (PERTs)	JJ Brickett (Interim)	STATE OF THE ART MARINE SAFETY SYSTEM	ON-WATER PRESENCE AND RESPONSE CAPACITY	INCREASE ON-SCENE ENVIRONMENTAL RESPONSE CAPACITY
<b>8H400</b>	CCG ER / Mobile Command Post Equipment Modernization Project	Kim Hamilton	STATE OF THE ART MARINE SAFETY SYSTEM	ON-WATER PRESENCE AND RESPONSE CAPACITY	MODERNIZE CCG ENVIRONMENTAL EMERGENCY RESPONSE EQUIPMENT
<b>8X110</b>	Enhanced oceanographic modelling for risk assessment and emergency response	Louise Laverdure (DG, Science)	STRONGER EVIDENCE BASE, AND INCREASED COMMUNITY PARTICIPATION AND PUBLIC AWARENESS	Strengthening our understanding of how oil products behave in water	Improving drift prediction and near-shore modelling
<b>8X210</b>	Establish a multi-partner Oil Spill Response	Louise Laverdure (DG, Science)	STRONGER EVIDENCE BASE, AND INCREASED COMMUNITY PARTICIPATION AND PUBLIC AWARENESS	Strengthening our understanding of how oil products behave in water	Establishing a multi-partner oil spill response technology reasearch for spill clean-up
<b>8X310</b>	Oceans Network Canada - Oceanographic Data	Louise Laverdure (DG, Science)	STRONGER EVIDENCE BASE, AND INCREASED COMMUNITY PARTICIPATION AND PUBLIC AWARENESS	Strengthening our understanding of how oil products behave in water	Oceans Network Canada - Oceanographic radar and hydrophone support
<b>8X410</b>	Expand Research on Fate, Behaviour and Biological impact	Louise Laverdure (DG, Science)	STRONGER EVIDENCE BASE, AND INCREASED COMMUNITY PARTICIPATION AND PUBLIC AWARENESS	Strengthening our understanding of how oil products behave in water	Expand reasearch on date, behaviour and biological impact
<b>8G200</b>	Purchase and Development of Mobile Command Posts	Bert Paulin	STATE OF THE ART MARINE SAFETY SYSTEM	FEDERAL OVERSIGHT OF INCIDENT MANAGEMENT	PURCHASE AND DEVELOPMENT OF MOBILE COMMAND POSTS

GROUP 3					
Project Code	Project Name	Project Manager	Pillar	Initiative	Sub-Initiative
8D100	Technical Review Process of Marine Terminal Systems and Transshipment Sites (TERMPOL)	Peter Stapleton	STATE OF THE ART MARINE SAFETY SYSTEM	MODERNIZE REGULATORY AND OVERSIGHT FRAMEWORK	Technical Review Process of Marine Terminal Systems and Transshipment Sites (TERMPOL)
8H220	ER Student and Indigenous Recruitment Program	Hyerin Choi	STATE OF THE ART MARINE SAFETY SYSTEM	ON-WATER PRESENCE AND RESPONSE CAPACITY	INCREASE ON-SCENE ENVIRONMENTAL RESPONSE CAPACITY
8H310	Inshore Rescue Boat North (IRB North)	Peter Garapick	STATE OF THE ART MARINE SAFETY SYSTEM	ON-WATER PRESENCE AND RESPONSE CAPACITY	SIX NEW SAR LIFEBOATS AND IN-SHORE RESCUE BOAT
8K100	Increased presence and extended season in the Arctic	Marc Delisle	STATE OF THE ART MARINE SAFETY SYSTEM	ARCTIC OVERSIGHT	CCG ARCTIC PRESENCE
8T100	Indigenous Relations and Partnerships	Heather Belfer	INDIGENOUS PARTNERSHIPS	FACILITATING INDIGENOUS PARTNERSHIPS IN THE MARINE SAFETY SYSTEM	BUILDING MEANINGFUL PARTNERSHIPS WITH INDIGENOUS GROUPS IN MARINE SAFETY
8T200	Northern Marine Transportation Corridors and Governance for the Arctic Shipping Regime	Kimberley Unterganschnigg	INDIGENOUS PARTNERSHIPS	FACILITATING INDIGENOUS PARTNERSHIPS IN THE MARINE SAFETY SYSTEM	NORTHERN MARINE TRANSPORTATION CORRIDORS AND GOVERNANCE FOR THE ARCTIC SHIPPING REGIME
8W100	Coast Guard Auxiliary - Indigenous Branch	Tara Bellefontaine	INDIGENOUS PARTNERSHIPS	ENHANCED INDIGENOUS AND COMMUNITY CAPACITY IN THE DESIGN AND DELIVERY OF THE MARINE SAFETY AND ENVIRONMENTAL PROTECTION MEASURES	COAST GUARD AUXILIARY CHAPTER IN BRITISH COLUMBIA
8W420	Expansion of Arctic Auxiliaries	Tara Bellefontaine	INDIGENOUS PARTNERSHIPS	ENHANCED INDIGENOUS AND COMMUNITY CAPACITY IN THE DESIGN AND DELIVERY OF THE MARINE SAFETY AND ENVIRONMENTAL PROTECTION MEASURES	COAST GUARD AUXILIARY CHAPTER IN THE ARCTIC AND COMMUNITY BOATS EXPANSION
8W310	Indigenous Community Response Teams	Kayla Meyer	INDIGENOUS PARTNERSHIPS	ENHANCED INDIGENOUS AND COMMUNITY CAPACITY IN THE DESIGN AND DELIVERY OF THE MARINE SAFETY AND ENVIRONMENTAL PROTECTION MEASURES	INDIGENOUS COMMUNITY RESPONSE TEAMS
8W410	Indigenous Community Boats North of 60	Pauli Thurner	INDIGENOUS PARTNERSHIPS	ENHANCED INDIGENOUS AND COMMUNITY CAPACITY IN THE DESIGN AND DELIVERY OF THE MARINE SAFETY AND ENVIRONMENTAL PROTECTION MEASURES	COAST GUARD AUXILIARY CHAPTER IN THE ARCTIC AND COMMUNITY BOATS EXPANSION
8A100	EMSA (Enhanced Maritime Situational Awareness)	David Toomey / Mike Furlong	STATE OF THE ART MARINE SAFETY SYSTEM	REAL-TIME MARINE TRAFFIC INFORMATION FOR INDIGENOUS AND COASTAL COMMUNITIES	EMSA (ENHANCED MARITIME SITUATIONAL AWARENESS)
8W320	Collaborative Situational Awareness Portal (CSAP)	Mino Tieng Huynh	INDIGENOUS PARTNERSHIPS	ENHANCED INDIGENOUS AND COMMUNITY CAPACITY IN THE DESIGN AND DELIVERY OF THE MARINE SAFETY AND ENVIRONMENTAL PROTECTION MEASURES	INDIGENOUS COMMUNITY RESPONSE TEAMS
8Q110	Coastal Restoration Fund - supports coastal habitat restoration projects	Nick Winfield (DG, Ecosystems Management)	PRESERVATION AND RESTORATION OF MARINE ECOSYSTEMS	Conserve or Restore Marine Ecosystems	Coastal Restoration Fund
Note: Moved EMSA and CSAP projects From Group 4 to Group 3.					

<b>GROUP 4</b>					
<b>Project Code</b>	<b>Project Name</b>	<b>Project Manager</b>	<b>Pillar</b>	<b>Initiative</b>	<b>Sub-Initiative</b>
<b>8E110</b>	Regional Response Planning (RRP) Pilot in Northern BC	Jay Lafrance / Rima Aristocrat	STATE OF THE ART MARINE SAFETY SYSTEM	REGIONAL RESPONSE PLANNING	REGIONAL RESPONSE PLANNING (RRP)
<b>8E120</b> <b>8E140</b>	1. Regional Response Planning (RRP) Pilot in Northern BC (EOS) 2. Regional Response Planning (RRP) Pilot in Northern BC (AE)	Louise Laverdure (DG, Science) & Jeff MacDonald (DG, Oceans Management)	STATE OF THE ART MARINE SAFETY SYSTEM	REGIONAL RESPONSE PLANNING	REGIONAL RESPONSE PLANNING (RRP)
<b>8F100</b>	Risk Analysis of Maritime Search and Rescue Delivery (RAMSARD)	Sheyla Dussault / Yasmine Clarke	STATE OF THE ART MARINE SAFETY SYSTEM	NATIONAL IMPLEMENTATION OF THE RISK-BASED ANALYSIS OF MARITIME SEARCH AND RESCUE DELIVERY METHODOLOGY (RAMSARD)	NATIONAL IMPLEMENTATION OF THE RISK-BASED ANALYSIS OF MARITIME SEARCH AND RESCUE DELIVERY METHODOLOGY (RAMSARD)
<b>8R100</b>	New Legislation	Gwen Willems	PRESERVATION AND RESTORATION OF MARINE ECOSYSTEMS	A COMPREHENSIVE STRATEGY FOR VESSELS OF CONCERN	NEW LEGISLATION
<b>8R200</b>	P/T Consultations and Engagement	Gwen Willems	PRESERVATION AND RESTORATION OF MARINE ECOSYSTEMS	A COMPREHENSIVE STRATEGY FOR VESSELS OF CONCERN	IMPROVE OWNER IDENTIFICATION AND CREATE VESSEL REMEDIATIONS FUNDS
<b>8R300</b>	Risk-Based Strategy to Address Vessels of Concern	Gwen Willems	PRESERVATION AND RESTORATION OF MARINE ECOSYSTEMS	A COMPREHENSIVE STRATEGY FOR VESSELS OF CONCERN	RISK-BASED STRATEGY TO ADDRESS VESSELS OF CONCERN
<b>8R400</b>	Small Craft harbour vessel removal	Denise Frenette (DG, Small Craft Harbours)	PRESERVATION AND RESTORATION OF MARINE ECOSYSTEMS	A COMPREHENSIVE STRATEGY FOR VESSELS OF CONCERN	Support the Removal of Small Legacy Vessels
<b>8P110</b>	Reducing the threat of vessel traffic on whales and other marine mammals through detection and avoidance	Louise Laverdure (DG, Science)	PRESERVATION AND RESTORATION OF MARINE ECOSYSTEMS	Mitigating the Risk of Marine Shipping on the Environment, including impacts of underwater noise from ships	Reducing the threat of vessel traffic on whales and other marine mammals through detection and avoidance
<b>8N100</b>	Develop a Coastal Environmental Baseline Program to Assess the Cumulative impacts of Marine Shipping	Louise Laverdure (DG, Science)	PRESERVATION AND RESTORATION OF MARINE ECOSYSTEMS	Develop a Coastal Environmental Baseline Monitoring Program to Assess the Cumulative Impacts of Marine Shipping	Develop a Coastal Environmental Baseline Monitoring Program to Assess the Cumulative Impacts of Marine Shipping
<b>8P210</b>	Establishing Marine Environmental Quality Regulatory and non-regulatory measures (Aquatic Ecosystems)	Louise Laverdure (DG, Science) & Jeff MacDonald (DG, Oceans Management)	PRESERVATION AND RESTORATION OF MARINE ECOSYSTEMS	Mitigating the Risk of Marine Shipping on the Environment, including impacts of underwater noise from ships	Establishing marine environmental quality regulatory and non-regulatory measures
<b>8Y100</b> <b>8Y120</b>	1. Oceans Strategy Development 2. Marine Spatial Planning Pacific North Coast Pilot	Jeff MacDonald (DG, Oceans Management)	STRONGER EVIDENCE BASE, AND INCREASED COMMUNITY PARTICIPATION AND PUBLIC AWARENESS	Oceans Strategy: A new Governance for Canada's Oceans	Oceans Strategy: A new Governance for Canada's Oceans

## Schwark, Valerie

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**From:** Smith, Ken  
**Sent:** May-16-18 9:24 AM  
**To:** Reid, Rebecca  
**Subject:** RE: Some Changes to OPP Oversight / Governance .....FW: DG Steering Committee Meeting

I think so...Jaime seems quite genuine in terms of his objectives. He plans to chair national coordinator calls. [REDACTED]

It is quite interesting to see different cultures at play between CCG and DFO – CCG more formal, structured, hierarchical with DFO side much less so. They also invest in internal capacity for HR, Finance, Planning, project mgmt., engagement etc. Hope we find somewhere in middle that works.

**From:** Reid, Rebecca  
**Sent:** Tuesday, May 15, 2018 11:07 AM  
**To:** Smith, Ken <Ken.Smith@dfo-mpo.gc.ca>  
**Subject:** RE: Some Changes to OPP Oversight / Governance .....FW: DG Steering Committee Meeting

Thanks for the update Ken. Seems like a useful transition?

RR

s.16(2)

s.21(1)(b)

Rebecca Reid  
Regional Director General/ Directrice générale régionale  
Fisheries and Oceans Canada - Pacific Region/ Pêches et Océans Canada - Région du Pacifique  
200-401 Burrard Street / 401, rue Burrard, bureau 200  
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Cell / Cellulaire: [REDACTED]  
E-mail/ Courriel: [rebecca.reid@dfo-mpo.gc.ca](mailto:rebecca.reid@dfo-mpo.gc.ca)

**From:** Smith, Ken  
**Sent:** Tuesday, May 15, 2018 10:24 AM  
**To:** Reid, Rebecca <[Rebecca.Reid@dfo-mpo.gc.ca](mailto:Rebecca.Reid@dfo-mpo.gc.ca)>; Lowe, Carmel <[Carmel.Lowe@dfo-mpo.gc.ca](mailto:Carmel.Lowe@dfo-mpo.gc.ca)>; Webb, Cheryl <[Cheryl.Webb@dfo-mpo.gc.ca](mailto:Cheryl.Webb@dfo-mpo.gc.ca)>; Carlson, Mike <[Mike.Carlson@dfo-mpo.gc.ca](mailto:Mike.Carlson@dfo-mpo.gc.ca)>  
**Cc:** Payne, Brigid <[Brigid.Payne@dfo-mpo.gc.ca](mailto:Brigid.Payne@dfo-mpo.gc.ca)>; Klaver, March <[March.Klaver@dfo-mpo.gc.ca](mailto:March.Klaver@dfo-mpo.gc.ca)>; Hayes, Trish <[Trish.Hayes@dfo-mpo.gc.ca](mailto:Trish.Hayes@dfo-mpo.gc.ca)>; Stadel, Angela <[Angela.Stadel@dfo-mpo.gc.ca](mailto:Angela.Stadel@dfo-mpo.gc.ca)>; Cauffope, Genevieve <[Genevieve.Cauffope@dfo-mpo.gc.ca](mailto:Genevieve.Cauffope@dfo-mpo.gc.ca)>; Silverstein, Adam <[Adam.Silverstein@dfo-mpo.gc.ca](mailto:Adam.Silverstein@dfo-mpo.gc.ca)>; Antcliffe, Bonnie <[Bonnie.Antcliffe@dfo-mpo.gc.ca](mailto:Bonnie.Antcliffe@dfo-mpo.gc.ca)>; Carrigan, Kevin <[Kevin.Carrigan@dfo-mpo.gc.ca](mailto:Kevin.Carrigan@dfo-mpo.gc.ca)>  
**Subject:** Some Changes to OPP Oversight / Governance .....FW: DG Steering Committee Meeting

Hi Rebecca and OPP RD's

I am writing to provide an update from a national call last Friday that was chaired by Jaime Caceres (Jaime recently replaced Michelle Wheatley and now reports up through CCG Deputy Comm Mario Pelletier). Key highlights follow.

- OPPOC ADM/RDG forum is to be re-branded and become more strategic in nature with a focus on significant cross cutting issues. It will be chaired by Mario Pelletier and meet less frequently (ever 4-6 weeks) with next one planned sometime in June.
- The entire dept. will move to a weekly DG level project management reporting and co-ordination forum (DG Steering Committee) that has been successfully used by CCG. Essentially DG project leads will provide brief updates, monitor results, identify key co-ordination issues etc. once a month for each project as per the attached schedule (4 groups rotate weekly). This forum will also be used to support the ADM/RDG level forum including identification of cross cutting issues. Regions can also participate but at this stage it is a bit unclear on how this best be done and who is best positioned to support. This forum will adapt as required moving forward but intention is to get going.
- OPP Co-ordinators Forum (which I sit on) will continue and will be strengthened to improve focus on cross cutting issues and connections across programs / regions / depts..

I will seek to get plugged into DG Steering Committee process but will need to follow-up to discuss regional participation moving forward.

Regards,

Ken Smith  
 Director, Oceans Protection Plan Secretariat  
 Fisheries and Oceans Canada – Pacific Region  
 (604) 666-0346

s.21(1)(b)

**From:** Carrigan, Kevin  
**Sent:** Monday, May 14, 2018 9:11 PM  
**To:** Smith, Ken <Ken.Smith@dfo-mpo.gc.ca>; Hayes, Trish <Trish.Hayes@dfo-mpo.gc.ca>  
**Subject:** FW: DG Steering Committee Meeting

Hi

I think I have briefed you on the weekly DG Steering Committee meetings that are scheduled for Thursday mornings. I have attached the revised schedule that includes DFO lead initiatives who will now be reporting to the committee.

The committee will also expand to include DFO members. Each week approximately 25% of the projects/initiatives are updated by national leads. The committee can ask questions or provide guidance and [REDACTED]  
 [REDACTED] I call in each week or have someone listen in for me.

You may have been invited already but if not and you wish to be included I can add you name to the distribution list.

Cheers

Kevin

**From:** Bertorelli, John

**Sent:** May-06-18 9:26 AM

**To:** Lick, Gregory; Ryan, Sam; Sanderson, Marc

**Cc:** Pelletier, Mario; Smith, Andy; O'Rourke, Neil; Caceres, Jaime; Melanson, Simon; Ferro, Antonella; Lavell, Shelley; Perron, Donat J; Jollez, Katia; Carrigan, Kevin; Lajeunesse, Stephanie; Cosgrove, Joseph; Parker, Mia; Harber, Lee; Courchaine, Holly

**Subject:** RE: DG Steering Committee Meeting

I have updated the listing to delete the EMSA and CSAP projects from Group 4. These were moved to Group 3.

Cheers

**From:** Bertorelli, John

**Sent:** May-06-18 12:06 PM

**To:** Lick, Gregory; Ryan, Sam; Sanderson, Marc

**Cc:** Pelletier, Mario; Smith, Andy; O'Rourke, Neil; Caceres, Jaime; Melanson, Simon; Ferro, Antonella; Lavell, Shelley; Perron, Donat J; Jollez, Katia; Carrigan, Kevin; Lajeunesse, Stephanie; Cosgrove, Joseph; Parker, Mia; Harber, Lee; Courchaine, Holly

**Subject:** DG Steering Committee Meeting

Attached, please find a revised DG Steering Committee Project Grouping list that incorporates the new DFO Sub-Initiatives. The list has been updated with the cooperation of both CCG/DFO representatives.

In order to continue with our meeting's efficiency and effectiveness, we have grouped the DFO Sub-initiatives based on the following criteria:

1. Joint Initiative Projects such as RRP and VOC have been added to the RRP and VOC applicable CCG Group Meeting in order to have a combined status update;
2. For those that are not considered Joint Initiatives, we have incorporated the DFO Sub-initiatives based on the Program Pillar/Initiative structure with our CCG Projects; and finally,
3. We have attempted to minimize the amount of Group meetings that DFO DGs attend. Only a few will be in a position to attend twice a month.

We have also considered extending the duration for each Group Meeting. Now, based on our experiences over the past year, we have found that the allotted 1.5 hour durations were sufficient for all Groups (providing no project presentations took place) I propose that we continue with the current format and make any necessary change once we have completed a few meetings.

A reminder that, currently, our PMs are providing 10-15 minute updates based on the following Project Progress Report (PPR) elements:

- A brief Executive Summary (including scope);
- Schedule (Milestones / Key Outputs) and Budget Updates;
- Issues and Critical Risks;
- Engagement & Consultation Updates; and
- Communication – Announcements / Achievements.

Please note that DFO status updates are and will continue to be presented at the Sub-initiative level.

If you have any comments or suggestions please feel free in communication them by Tomorrow 1:00. The plan is to commence with this new proposed cycle this coming Thursday with Group #4.

Cheers

John Be.

No information has been removed or severed from this page

**Schwark, Valerie**

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**From:** Murdoch, Sarah  
**Sent:** May-16-18 5:01 PM  
**To:** Reid, Rebecca; XPAC RMC Members  
**Subject:** RE: TC Minister's OPP announcement

Coastal Restoration Fund Squamish announcement also this week...

<https://www.canada.ca/en/fisheries-oceans/news/2018/05/government-of-canada-makes-a-significant-coastal-restoration-fund-investment-in-the-squamish-river-estuary-through-the-oceans-protection-plan.html>

**From:** Reid, Rebecca  
**Sent:** Wednesday, May 16, 2018 4:46 PM  
**To:** XPAC RMC Members <PACRMC@dfo-mpo.gc.ca>  
**Subject:** FW: TC Minister's OPP announcement

For information re: OPP announcements.

Rebecca Reid  
Regional Director General/ Directrice générale régionale  
Fisheries and Oceans Canada - Pacific Region/ Pêches et Océans Canada - Région du Pacifique  
200-401 Burrard Street / 401, rue Burrard, bureau 200  
Vancouver, BC/CB V6C 3S4  
Office / Téléphone: 604-666-6098  
Cell / Cellulaire: [REDACTED]  
E-mail/ Courriel: [rebecca.reid@dfo-mpo.gc.ca](mailto:rebecca.reid@dfo-mpo.gc.ca)

**From:** Prince, Dave  
**Sent:** Wednesday, May 16, 2018 19:35  
**To:** Lowe, Carmel; McPherson, Arran; Reid, Rebecca; Béchard, Geneviève; Bate, Dan  
**Subject:** TC Minister's OPP announcement

All

Today I attended the Minister of Transport's announcement on some OPP funding. He announced the weather buoys, the CCG tow kits, the Marine Situational Awareness system and \$110M re-investment in Hydrography. He also mentioned SRKW and the program the Port of Vancouver is involved with to slow vessels in Haro Strait to reduce noise.

For CHS he specifically mentioned the Ports and Nearshore surveys and resulting products, and he alluded to the Dynamics Systems piece with mention of water levels. He highlighted the resulting Electronic Navigational Charts and commented that a great deal of work has been done in 8 of the 23 ports within the project. He said many good things about CHS, and his info was accurate.

Questions from the media scum that followed did not touch on CHS activities. Overall it went well for DFO.

Dan Bate and I attended for DFO.



Dave

No information has been removed or severed from this page

## **Blewett, Catherine**

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**From:** Zacharias, Mark ENV:EX <Mark.Zacharias@gov.bc.ca>  
**Sent:** May-17-18 3:53 PM  
**To:** Lucas, Stephen (EC) (stephen.lucas@canada.ca); Blewett, Catherine; christyne.tremblay@canada.ca; 'Keenan, Michael'  
**Cc:** Yuma Morisho, Okenge PREM:EX; Frampton, Caelie ENV:EX  
**Subject:** Letter from Minister Heyman re: Trans Mountain Expansion project  
**Attachments:** 316322 - McKenna - FINAL SIGNED.PDF

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Good afternoon:

Please see the attached letter. This will be made public at some point this afternoon.

Regards, Mark

**From:** Minister, ENV ENV:EX  
**Sent:** Thursday, May 17, 2018 12:42 PM  
**To:** 'ec.ministre-minister.ec@canada.ca' <[ec.ministre-minister.ec@canada.ca](mailto:ec.ministre-minister.ec@canada.ca)>  
**Subject:** Letter from Minister Heyman re: Trans Mountain Expansion project

Reference: 316322

*May 17, 2018*

The Honourable Catherine McKenna, PC, MP  
Minister of Environment and Climate Change

Dear Minister McKenna:

Please find attached a response to your online letter of April 26, 2018, regarding the Trans Mountain Expansion project, from the Honourable George Heyman, Minister of Environment and Climate Change Strategy for British Columbia. A hard copy will not follow in the mail.

s.68(a)



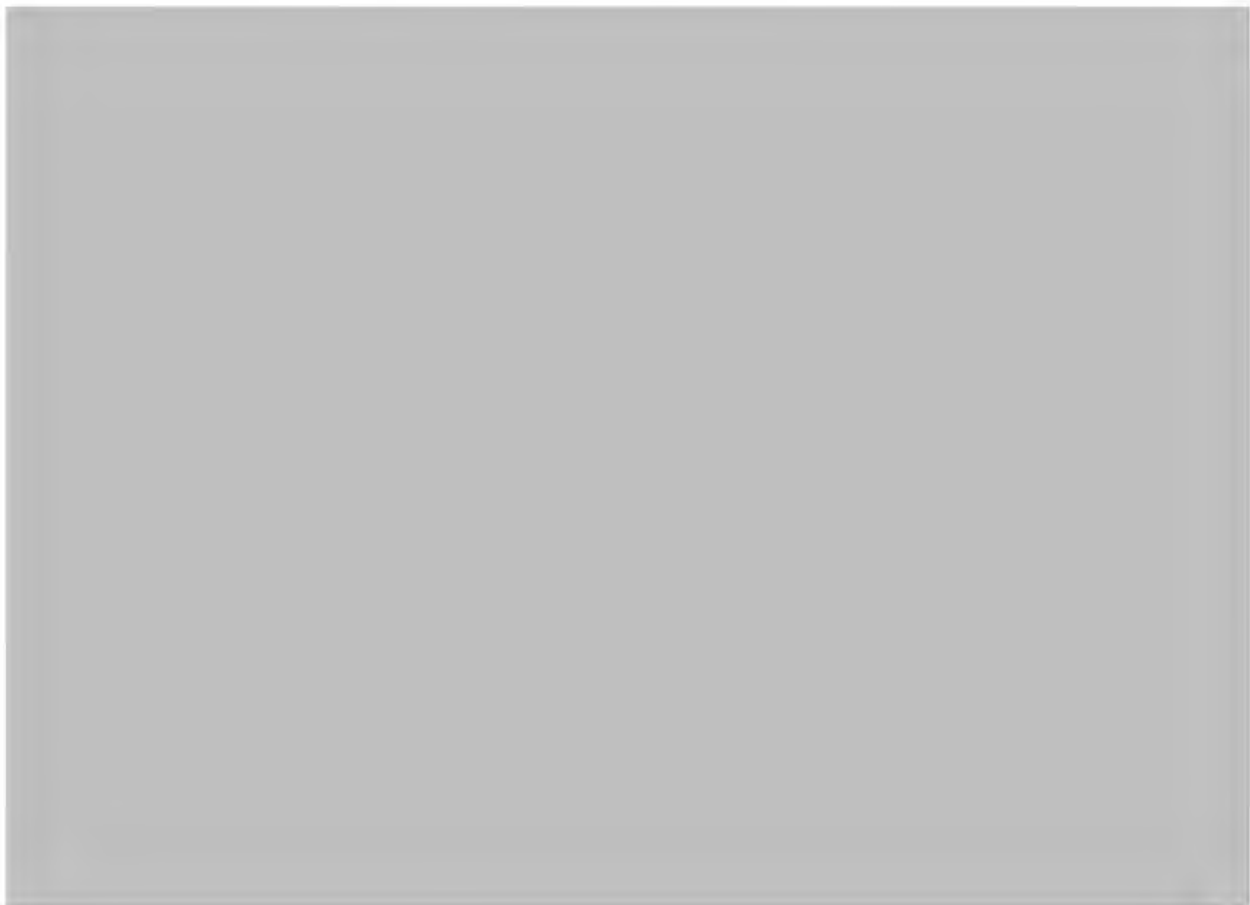
Reference: 316322

*May 17, 2018*

The Honourable Catherine McKenna, PC, MP  
Minister of Environment and Climate Change  
House of Commons  
Ottawa ON K1A 0A6

Dear Minister McKenna:

Thank you for your April 26, 2018 letter regarding the Trans Mountain Expansion project. I would like to take this opportunity, in response to your letter, to highlight some significant opportunities to work together, while acknowledging some differences in perspective.



**Ministry of Environment and  
Climate Change Strategy**

Office of the  
Minister

Mailing Address:  
Parliament Buildings  
Victoria BC V8V 1X4

Telephone: 250 387-1187  
Facsimile: 250 387-1356  
Website: [www.gov.bc.ca/env](http://www.gov.bc.ca/env)

**Pages 638 to / à 641  
are withheld pursuant to section  
sont retenues en vertu de l'article**

**68(a)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

**Schwark, Valerie**

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**From:** Smith, Ken  
**Sent:** May-22-18 10:12 AM  
**To:** Lowe, Carmel; Klaver, March; Houston, Kim; Payne, Brigid; Webb, Cheryl; Reid, Rebecca  
**Subject:** Fw: FOR DISASTER CHECK ECCC reactive lines to BC Min of Env letter - George Haymen on Bitumen  
**Attachments:** REACTIVE ML\_BC Min of Env letter (May 18 2018) KH\_LT.docx; 316322 - McKenna - FINAL SIGNED.PDF  
**Importance:** High

Fyi

Sent from my BlackBerry 10 smartphone on the Rogers network.

**From:** Quirion, Stephanie <[Stephanie.Quirion@dfo-mpo.gc.ca](mailto:Stephanie.Quirion@dfo-mpo.gc.ca)>  
**Sent:** Tuesday, May 22, 2018 9:11 AM  
**To:** Caceres, Jaime  
**Cc:** Melanson, Simon; Ferro, Antonella; Smith, Ken; Girouard, Louise; Pareja, Annalisa; Bate, Dan; Parent, Sonia  
**Subject:** FW: FOR DISASTER CHECK ECCC reactive lines to BC Min of Env letter - George Haymen on Bitumen

Good day Jamie,

- Late Friday afternoon, we were asked to provide pre-approved lines to ECCC on various issues so that they could begin crafting reactive lines in response to Heyman's letter to Minister McKenna.
- Attached are the lines drafted by ECCC for a quick disaster check (Note that TC already provided feedback over the weekend)
- These lines have been sent to Science and CCG in parallel for review.
- Let us know of any read flags/key concerns from the secretariat's perspective

Stéphanie Quirion

Manager, Priority Initiatives  
Communications Branch  
Fisheries and Oceans Canada

s.16(2)

[stephanie.quirion@dfo-mpo.gc.ca](mailto:stephanie.quirion@dfo-mpo.gc.ca) / Tel: 613-991-6131 / Cell: [REDACTED]  
13N192, 200 Kent St., Ottawa, Ont. K1A 0E6

Gestionnaire, Initiatives prioritaires  
Direction générale des communications  
Pêches et Océans Canada

[stephanie.quirion@dfo-mpo.gc.ca](mailto:stephanie.quirion@dfo-mpo.gc.ca) / Tél. : 613-991-6131 / Mobile : [REDACTED]  
200, rue Kent, Bureau 13N192, Ottawa (Ontario) K1A 0E6

 Government of Canada / Gouvernement du Canada



**From:** Quirion, Stephanie  
**Sent:** 2018-May-22 12:05 PM  
**To:** Sloan, Glen; Seguin, Natalie

**Cc:** Parisien, Renée; Northcott, Jennifer; Parent, Sonia; Smith, Kathleen; Perron, Heloise; Nielsen, Ingrid  
**Subject:** FW: FOR DISASTER CHECK ECCC reactive lines to BC Min of Env letter - George Haymen on Bitumen  
**Importance:** High

Hi colleagues,

We need to run these lines through program for disaster check. They are science-heavy and some CCG-related. These were crafted by ECCC from pre-approved lines and were created as a result of the province of BC responding to Minister McKenna's letter issued along with the BC response paper.

Do you recommend going straight to ADMs or do you want to go to DGs (or below) through your channels?

TC already provided feedback all the way to DM level over the weekend...

Jenn/Nat: the lines reference # of peer reviewed studies on oil & gas and I don't know where these numbers came from.

Glen: there is language in there for CCG that requires adjustment (for example IRCT wrong name, etc.)

I'll send to OPP Secretariat in parallel.

Stéphanie Quirion

Manager, Priority Initiatives  
Communications Branch  
Fisheries and Oceans Canada

s.16(2)

[stephanie.quirion@dfo-mpo.gc.ca](mailto:stephanie.quirion@dfo-mpo.gc.ca) / Tel: 613-991-6131 / Cell: [REDACTED]  
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[stephanie.quirion@dfo-mpo.gc.ca](mailto:stephanie.quirion@dfo-mpo.gc.ca) / Tél. : 613-991-6131 / Mobile : [REDACTED]  
200, rue Kent, Bureau 13N192, Ottawa (Ontario) K1A 0E6



Canada

**From:** Tang, Laureen (EC) [<mailto:laureen.tang@canada.ca>]

**Sent:** 2018-May-18 7:14 PM

**To:** Quirion, Stephanie; Parent, Sonia; Wakefield, Tom ([Tom.Wakefield@tc.gc.ca](mailto:Tom.Wakefield@tc.gc.ca))

**Cc:** Johnson, Mark (EC); Roy, Jacqueline ([jacqueline.roy@tc.gc.ca](mailto:jacqueline.roy@tc.gc.ca)); [Manon.DesLauriers@tc.gc.ca](mailto:Manon.DesLauriers@tc.gc.ca); Gates, Tamara (EC); Holland, Krista (EC); Cowper, Kelly (EC)

**Subject:** FOR INFO/INPUT: ECCC reactive lines to BC Min of Env letter - George Haymen on Bitumen

Hi Tom and Stephanie,

Please see attached for info/input. This document is mostly drafted from pre-approved existing material with the response to 2015 Royal Society of Canada Expert Panel report being the only thing newly added and approved through our programs. The bottom half of the document is mostly from TC lines.

Please let us know if there are any issues/updates/additions or if everything looks ok.

Thanks,

**Laureen Tang**  
Senior Communications Advisor  
Environment and Climate Change Canada  
(604) 664-9050  
[Laureen.Tang@canada.ca](mailto:Laureen.Tang@canada.ca)



<b>Title:</b>		<b>Submission Date:</b>
<b>Docket #:</b> COM XXX	<b>Linked to an MTM?</b>  <input type="checkbox"/> Yes, include number: <input type="checkbox"/> No	<b>Branch lead:</b>

#### KEY MESSAGES

Reactive lines related to BC Minister of Environment and Climate Change Strategy, George Heyman's response to Minister McKenna's letter

**ISSUE/QUESTION:** On May 17, 2018, BC Minister of Environment and Climate Change Strategy, George Heyman, released an open letter in response to Minister McKenna's letter regarding the Trans Mountain Expansion project. These are reactive lines and have been approved by program and validated with DFO and TC (TBC)

#### **KEY MESSAGES**

- The Government of Canada is committed to a safe, clean, and efficient marine transportation system that improves marine safety and responsible shipping, while also investing to create a world-leading clean economy.
- The Government of Canada has invested substantially in oil spill and response research for over 35 years, and has produced over 60 peer-reviewed publications in the last five years that enables evidence-based decision making. As a result of this research, Canada has advanced overall understanding of the fate and behaviour of petroleum products in ocean and fresh water.
- The Oceans Protection Plan is the largest investment ever made to protect Canada's coasts and waterways. It is reinforcing a world-leading marine safety system that provides economic opportunities for Canadians today, while preserving our coastlines and clean water for generations to come.
- It will ensure that our coasts are protected, using state of the art knowledge and capabilities developed in collaboration with coastal and Indigenous communities to ensure environmental sustainability as well as safe and responsible commercial use.
- Under the \$1.5 billion Oceans Protection Plan, the Government of Canada is working on a legal and operational framework, supported by science, to allow the use of alternative response measures as possible options to respond to environmental emergencies.
- To achieve a world-leading marine safety system, the Government of Canada is putting in place concrete measures to enhance marine safety, to prevent and to better respond to marine pollution incidents.
  - The Canadian Coast Guard's 24/7 response will be strengthened to protect Canada's waters and lead the responses to marine emergencies,

Canada



and ensure a coordinated response to spills to protect coastal environments and Canadians at sea.

- Mariners, Indigenous communities and coastal communities will have access to real-time information on marine shipping activities and tools, making navigation safer in their local waters.
- The Canadian Hydrographic Service will deliver modern and improved hydrography and charting in key areas of high traffic commercial ports and waterways, making navigation safer and reducing the risk of accidents.

In response to diluted bitumen:

- The Government of Canada has made concerted efforts to increase investment, collaboration and coordination of work among Fisheries and Oceans Canada, Natural Resources Canada and Environment and Climate Change Canada to increase understanding of spills of diluted bitumen in marine and freshwater environments.
- Diluted bitumen is a petroleum product composed of a mixture of a light oil diluent and bitumen. During a spill, it can initially be recovered much like a conventional crude. The exact fate and behaviour of the product depends on many environmental factors at the site of the spill.
- Based on current scientific evidence and limited real-world spill experience, diluted bitumen behaves similarly to conventional crude oils; it will float initially for several days depending on the environmental conditions.
- Since the 2010 spill in Kalamazoo, Michigan, the Government of Canada has undertaken a significant amount of research on diluted bitumen and published more than 60 peer-reviewed papers on the subject.
- The Government is investing more than \$80 million for oil and gas research, and is continuing to conduct research to better understand the fate, behaviour and effects of diluted bitumen and other petroleum products in water. Investing in science helps ensure that Canada has the capability to provide the best scientific advice and tools to prevent, and respond to, oil spills in our waters.
- With this funding, Government of Canada scientists will, among other things:
  - Explore how various oil products behave when spilled in water (diluted bitumen, synthetic crude, lubricating oils, marine fuel);
  - Evaluate how these products behave in marine, freshwater, and brackish water over a range of temperatures, including cold-water environments such as the Arctic;
  - Determine how these products affect and impact aquatic organisms; and
  - Assess how natural processes degrade petroleum crude oils and products spilled in different water environments.

- This knowledge will allow responders to better understand the circumstances of a diluted bitumen spill and make more timely and informed decisions about spill response countermeasure options.

In response to 2015 Royal Society of Canada Expert Panel report:

- Government of Canada researchers are aware of and helped to identify the oil spill research needs summarized in the 2015 Royal Society of Canada Expert Panel report.
- Our scientists have addressed and continue to address these needs through research activities including the Alternative Response Measures (ARMs) initiative and the Multi-Partner Oil Spill Research Initiative (MPRI) under the Oceans Protection Plan.
- Together the results of these activities will enhance Canada's spill response capabilities through access to a number of complimentary oil spill response countermeasures and to further increase our understanding of the fate and behaviour of spilled petroleum products including diluted bitumen.
- We recognize that controlled field research studies are needed to fully understand oil spill behaviour in real world ecosystems and are endeavouring to create the legislative and regulatory framework, supported by evidence-based scientific knowledge to allow for these valuable research activities to take place.
- Government of Canada scientists are engaged in field studies now, to determine the background conditions that exist in both northern and southern British Columbia, and in boreal lakes.

**TMX (FROM TC LINES)**

**Comment [KH1]:** FROM TC LINES

- The Government of Canada approved the Trans Mountain expansion project following the most rigorous federal regulatory review and consultation on a major project in Canadian history.
  - The project was approved subject to 157 legally binding conditions to protect the environment and ensure that the project moves forward in the safest and most sustainable way;
  - It is consistent with our Pan Canadian Climate Framework and Alberta's 100Mt Cap;
  - We built a path for sustained Indigenous engagement through the \$64.7M Indigenous Advisory and Monitoring Committee
- Our Government firmly believes that when a natural resources project is approved, it must have the opportunity to proceed with certainty, sustainably, and to generate economic benefits for all Canadians.

- That is why we will continue to act in Canada's national interest to see that this project is built.

#### **SUPPLEMENTAL MESSAGES**

##### **Working in partnership with Indigenous peoples**

- Indigenous coastal communities share ties to Canada's oceans that span generations. They value them as a source of livelihood, food security, and transportation routes. Indigenous groups know these waters because they are their home. They are our partners in designing and implementing the measures we are taking to strengthen protection and response under the Oceans Protection Plan.
- The Government of Canada is building Indigenous partnerships in the marine safety system, creating two new Coast Guard Auxiliary chapters; launching an Indigenous Community Boat Volunteer program; and creating Indigenous Community Response Teams.
- The Oceans Protection Plan is creating long-term training and jobs for Indigenous communities across Canada, ensuring a meaningful role in emergency response and waterway management that protects communities and livelihoods, while addressing their concerns about marine shipping.

**Comment [KH2]:** From TC lines

Prepared by:  
Krista Holland  
Communications Advisor  
902-405-4905

**Pages 649 to / à 653  
are duplicates of  
sont des duplicatas des  
pages 637 to / à 641**

## Galka, Stephanie

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**From:** Lavell, Shelley  
**Sent:** May-23-18 4:40 PM  
**To:** Caceres, Jaime; Goetze, Darren; MacDonald, Jeff (NCR); Frenette, Denise; Laverdure, Louise; Winfield, Nicholas; Béchar, Geneviève  
**Cc:** Melanson, Simon; Ferro, Antonella; Hai, Zahrah; Parker, Mia  
**Subject:** RE: Results Reserve Request - Additional OPP G&C funding for 2018-19  
**Attachments:** FINAL RESULTS RESERVE REQUEST - GC OPP v3.docx  
  
**Importance:** High

Hi all,

We are in the process of sending this document for submission to CFO; any final requests/requirements?

Many thanks,  
Shelley

### Shelley Lavell

Advisor to the Deputy Commissioner, OPP | Conseiller au Sous-commissaire, PPO  
Canadian Coast Guard | Garde côtière canadienne  
Email | Courriel: [shelley.lavell@dfo-mpo.gc.ca](mailto:shelley.lavell@dfo-mpo.gc.ca)  
Phone Number | Numéro de téléphone: 613-513-7003  
200 Kent St, Ottawa, ON K1A 0E6  
Office 6S034 | Bureau 6S034

s.21(1)(b)

**From:** Caceres, Jaime  
**Sent:** May-18-18 2:50 PM  
**To:** Goetze, Darren; MacDonald, Jeff (NCR); Frenette, Denise; Laverdure, Louise; Winfield, Nicholas; Béchar, Geneviève  
**Cc:** Melanson, Simon; Ferro, Antonella; Lavell, Shelley; Hai, Zahrah; Parker, Mia  
**Subject:** Results Reserve Request - Additional OPP G&C funding for 2018-19

Folks,

As some of you may be aware, the OPP team is submitting a Results Reserve Request on behalf of DFO/CCG to seek additional funding to manage additional engagement and other G&C needs with Indigenous peoples in CCG delivering OPP.

Before formally submitting the proposal, we would like to ensure that you do not have any similar G&C needs that may be appropriately included within the request. The CFO is allowing us to briefly delay our formal submission as we seek your input. If you could let me know by noon on Tuesday May 21<sup>st</sup>, it would be greatly appreciated.

Thx!

Jaime

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## RESULTS FUND REQUEST

### OVERVIEW

<b>Proposal Name</b>	Enabling Indigenous collaboration to deliver results for the Oceans Protection Plan (OPP)				
<b>Amount of Request</b>		<b>Salary</b>	<b>EBP (20%)</b>	<b>O&amp;M</b>	<b>Total</b>
	<b>Vote 1</b>				
	<b>Vote 5</b>				
	<b>Vote 10</b>				
	<b>Total</b>				
<b>Date Required</b>	June, 2018				
<b>Scalable Investment</b>	No				
<b>Sponsor(s)</b>	Deputy Commissioner, Operations				
<b>OPI</b>	Director General, OPP Governance				
<b>Internal Partners</b>	Deputy Commissioner, Shipbuilding and Strategies Assistant Commissioners, Western, Central + Arctic, and Atlantic Regions Director General, National Strategies Senior Director, Safe Shipping and Economic and Industry Intelligence Director General, Integrated Technical Services Director General, Operations Director General, Major Projects				
<b>External Partners</b>	Transport Canada on joint OPP initiatives				

s.21(1)(b)

### BRIEF DESCRIPTION OF PROPOSAL

#### *Why this is important?*

The intention of the Oceans Protection Plan (OPP) is to develop stronger partnerships with Indigenous Nations and coastal communities in order to develop a world-leading maritime safety system that meets the unique needs of Canada from coast-to-coast-to-coast. **Participation by Indigenous peoples in implementation is essential to meet OPP overall objectives, obtain results and work towards building long-term and meaningful partnerships in marine safety and response.**

With a proven good relationship and partnership with Coast Guard, First Nations are ready and interested to embrace the opportunity that OPP represents - to turn ad hoc opportunities into long-term Indigenous program elements.

However, funding the relationships with Indigenous communities remains a key issue. While OPP outcomes will improve the situation by providing some funding, the reality is that the G&Cs funding under OPP will not meet the needs nor the expectations of First Nations to allow them to build a sustainable response capacity within their communities.

The primary outcome is to create a robust Maritime Safety and Environmental Response Regime that:

- has trained first responders including Coast Guard, Indigenous Peoples and coastal communities;

- provides required equipment ; expands the network of first responders;
- recognises the valuable contribution of First Nations, providing a place for their contribution;
- builds on the common interests shared by local communities to maintain maritime safety and protect the environment;
- ensures that Coast Guard has a diverse workforce in which Indigenous people are represented;
- and creates job opportunities within local coastal communities.

s.21(1)(b)

Building a robust response regime inclusive of Indigenous peoples requires putting in place a G&Cs program that will allow Indigenous groups to participate in all aspects of the Regime and sustain that capacity even after the OPP is implemented.

This work is also in line with the Minister's Mandate letter to work Indigenous Peoples to better co-manage our three oceans.

The requested funding will support regional engagement capacity in the form of liaison coordinators who will work directly with First Nations in their communities to ensure that OPP delivery meets their needs and leverages their existing knowledge, expertise and capacity. For example, this will ensure success in meeting the outcomes of the new Search and Rescue Stations in Hartley Bay, Nootka area, and Port Renfrew, the Port Hardy Depot [REDACTED] each.

The benefits of this engagement work supports the success of OPP implementation across the extent of OPP sub-initiatives, particularly additional RADAR sites, Risk Analysis of Maritime Search and Rescue Delivery (RAMSARD), and On-water Presence and Capacity.

The funds requested in this proposal are to address engagement needs to support Year 2 OPP implementation. [REDACTED]

#### ***What is required to achieve results?***

The current OPP Grants + Contribution funding envelope (\$3,300,000) for Year 2 is linked to 7 sub-initiatives and is not sufficient to meet the expectations of Indigenous communities who want play a more active role across all areas of OPP.

The proposal includes estimates from the three Coast Guard Regions and a national item, which is outlined below:

Western	[REDACTED]
Atlantic	[REDACTED]
C&A	[REDACTED]
NHQ	[REDACTED]
<b>Total</b>	[REDACTED]

#### ***What efforts have been taken to reallocate?***

While Year 1 of OPP was a planning year and allowed some flexibility to reallocate funding, Year 2 is focused on delivery of the OPP projects and it is unlikely that the same flexibility will exist.

RESULTS ASSESSMENT [MAX 500 WORDS (TOTAL) FOR DESCRIPTIONS]		
<b>Description of Project Outcome/Impact on Results Indicators</b>	A commitment of sustained capacity for coastal Indigenous groups to participate in OPP implementation will greatly secure the overall success of OPP, and the respective outcomes of most OPP sub-initiatives.	
<b>Project Outcome/Impact on Results/Indicators</b>	23	<p>1-10 points - Positions DFO/CCG for improved performance on indicator(s) in the future or positions DFO/CCG to demonstrate future results</p> <p>11-20 points – Will result in improved performance on indicator(s) this fiscal year</p> <p>20-25 points – Will result in improved performance on indicator(s) this fiscal year enough to meet at-risk target</p>
<b>Description of public/TB exposure</b>	<p>VERY HIGH – especially in BC</p> <p>The success of OPP is tied directly to PM/GoC commitments and priorities on reconciliation and outcomes of OPP would raise public confidence, particularly in BC, about the marine safety and response regime as a means to bolster support for energy projects.</p> <p>There are high, growing expectations from Indigenous groups that OPP delivery and partnerships are stepping stone towards reconciliation.</p>	
<b>Category of Results (Who will know/care if we miss our target)</b>	15	<p>0 points - internal only</p> <p>1-5 points – low public/TB exposure</p> <p>6-10 points – moderate public/TB exposure</p> <p>11-15 points - high public/TB exposure</p>
<b>Description of Results Impact of Not Funding this Year</b>	<p>Not funding the proposal would result in significant delays in achieving deliverables and mid-range outcomes as engagement with Indigenous groups is a critical factor across most OPP sub-initiatives.</p> <p>There would be a need to start flagging to TB risks Results and Delivery outcomes may not be met.</p>	
<b>Results Impact of Not Funding this Year (Why now?)</b>	10	<p>0 points – deferred activity</p> <p>1-5 points – missed opportunity/lost efficiency</p> <p>6-10 points – missed commitment</p>

EXECUTION RISK [MAX 500 WORDS FOR DESCRIPTION]	
<b>Description of Execution Risk</b>	Use existing funding mechanisms (CCG Auxiliary, DFO Aboriginal Aquatic Resource and Oceans Management Program) to transfer funds directly to those First Nations who have already expressed interest and commitment to work the Coast Guard on OPP delivery.



	<p>This form of liaison engagement would benefit engagement efforts across majority of OPP sub-initiatives.</p> <p>Funds are needed to support engagement activities this summer.</p> <p>There is low risk of not utilizing the funds as the engagement need is widespread across all OPP sub-initiatives.</p>	
<b>Execution Risk (Residual)</b>	5	<p>0-10 points – Low Risk - can deliver results/prove concept within the year.</p> <p>10-30 points – Medium Risk – has dependencies on external factors which can be mitigated but may cause moderate delays</p> <p>30-40 points – High Risk – has significant dependencies on multiple external factors which may delay implementation beyond one year</p> <p>Executive risk is low as the majority of engagement will be done in the Regions.</p>

#### **ADDITIONAL INFORMATION**

Of note, engagement is the single most common risk to delivering OPP identified by national and regional departmental leads for both DFO and the Coast Guard.

## Galka, Stephanie

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**From:** Béchard, Geneviève  
**Sent:** May-23-18 8:09 PM  
**To:** Lavell, Shelley; Caceres, Jaime; Goetze, Darren; MacDonald, Jeff (NCR); Frenette, Denise; Laverdure, Louise; Winfield, Nicholas  
**Cc:** Melanson, Simon; Ferro, Antonella; Hai, Zahrah; Parker, Mia  
**Subject:** Re: Results Reserve Request - Additional OPP G&C funding for 2018-19

Thank you for the offer.

For this year we would pass however would appreciate you keep us in mind if the opportunity arises again.

Genevieve

s.21(1)(b)

Sent from my BlackBerry 10 smartphone on the Rogers network.

**From:** Lavell, Shelley  
**Sent:** Wednesday, May 23, 2018 16:40  
**To:** Caceres, Jaime; Goetze, Darren; MacDonald, Jeff (NCR); Frenette, Denise; Laverdure, Louise; Winfield, Nicholas; Béchard, Geneviève  
**Cc:** Melanson, Simon; Ferro, Antonella; Hai, Zahrah; Parker, Mia  
**Subject:** RE: Results Reserve Request - Additional OPP G&C funding for 2018-19

Hi all,

We are in the process of sending this document for submission to CFO; any final requests/requirements?

Many thanks,  
Shelley

### Shelley Lavell

Advisor to the Deputy Commissioner, OPP | Conseiller au Sous-commissaire, PPO  
Canadian Coast Guard | Garde côtière canadienne  
Email | Courriel: [shelley.lavell@dfo-mpo.gc.ca](mailto:shelley.lavell@dfo-mpo.gc.ca)  
Phone Number | Numéro de téléphone: 613-513-7003  
200 Kent St, Ottawa, ON K1A 0E6  
Office 6S034 | Bureau 6S034

**From:** Caceres, Jaime  
**Sent:** May-18-18 2:50 PM  
**To:** Goetze, Darren; MacDonald, Jeff (NCR); Frenette, Denise; Laverdure, Louise; Winfield, Nicholas; Béchard, Geneviève  
**Cc:** Melanson, Simon; Ferro, Antonella; Lavell, Shelley; Hai, Zahrah; Parker, Mia  
**Subject:** Results Reserve Request - Additional OPP G&C funding for 2018-19

Folks,

As some of you may be aware, the OPP team is submitting a Results Reserve Request on behalf of DFO/CCG to seek [REDACTED] additional funding to manage additional engagement and other G&C needs with Indigenous peoples in CCG delivering OPP.

Before formally submitting the proposal, we would like to ensure that you do not have any similar G&C needs that may be appropriately included within the request. The CFO is allowing us to briefly delay our formal submission as we seek your input. If you could let me know by **noon on Tuesday May 21<sup>st</sup>**, it would be greatly appreciated.

Thx!

Jaime

s.21(1)(b)

---

**Jaime Caceres**

**Director General, Oceans Protection Plan (OPP) /Directeur general du plan de protection des océans (PPO)**

Fisheries, Oceans and the Canadian Coast Guard (DFO/CCG) | Pêches, océans et la Garde côtière canadienne (MPO/GCC)

200 rue Kent Street, Ottawa, ON, K1A 0E6

613.325.8664 (cell) | [✉ Jaime.Caceres@dfo-mpo.gc.ca](mailto:Jaime.Caceres@dfo-mpo.gc.ca)

## Blewett, Catherine

---

**From:** Fox, Christiane <Christiane.Fox@pco-bcp.gc.ca>  
**Sent:** May-23-18 8:34 PM  
**To:** Tremblay, Christyne (NRCAN/RNCAN); Tapley, Catrina; Lucas, Stephen (EC); Nathalie Drouin; Keenan, Michael (Ext.); Blewett, Catherine  
**Subject:** RE: \*CONFIRMATION REQUIRED\* VA S173649 -Justice Grauer -Re: Squamish Nation v British Columbia (Environment),  
  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Thank you very much for this. Apologies for the delay as I was on a few calls tonight, appreciate this update.

**From:** Tremblay, Christyne (NRCAN/RNCAN) <christyne.tremblay@canada.ca>  
**Sent:** May 23, 2018 6:17 PM  
**To:** Tapley, Catrina <Catrina.Tapley@pco-bcp.gc.ca>; Fox, Christiane <Christiane.Fox@pco-bcp.gc.ca>; Lucas, Stephen (EC) <stephen.lucas@canada.ca>; Nathalie Drouin <nathalie.g.drouin@justice.gc.ca>; Keenan, Michael (Ext.) <michael.keenan@tc.gc.ca>; DM Catherine Blewett <Catherine.blewett@dfo-mpo.gc.ca>  
**Subject:** \*CONFIRMATION REQUIRED\* VA S173649 -Justice Grauer -Re: Squamish Nation v British Columbia (Environment),

Colleagues - we understand via Kinder Morgan that the BC Court of Appeal will issue their decision on the Judicial Review of the BC EA certificate tomorrow around 1:30 EST.

Kinder Morgan was an intervenor in this court case and was provided the notice of the public release of the decision.

Justice team are aware and my communication team as well.

Christyne

## Blewett, Catherine

---

**From:** Fox, Christiane <Christiane.Fox@pco-bcp.gc.ca>  
**Sent:** May-24-18 4:45 PM  
**To:** Tremblay, Christyne (NRCAN/RNCAN); Nathalie Drouin; Stephen Lucas; Blewett, Catherine; Michael Keenan; Tapley, Catrina; Mondou, Isabelle  
**Cc:** O'Leary, Alison  
**Subject:** RE: BREAKING: Squamish First Nations loses bid at BC Supreme Court to have Trans Mountain environmental certificate revoked

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Statement from the BC AG:

<https://news.gov.bc.ca/releases/2018AG0037-001013>

Attorney General David Eby has released the following statement:

“Today, we received two decisions from the B.C. Supreme Court on legal challenges related to the Trans Mountain Expansion Project.

“Both proceedings challenged the Environmental Assessment Certificate, or EAC, for the TMX Project. The petition filed by the Squamish Nation alleged that the provincial Crown did not fulfill its duty to consult them. The City of Vancouver’s petition challenged the EAC on procedural grounds.

“While the cases involved actions by the previous government, the B.C. government argued in the Squamish proceeding that the provincial Crown had fulfilled its minimum legal duty to consult the Squamish Nation. In the City of Vancouver case, the B.C. government took no position on the merits of the petition and appeared in court in order to provide the record of the government’s decision and make limited submissions on the standard of review and costs.

“We have only just received the judgements and will take the necessary time to review them.

“Our government has taken a balanced approach to defending our environment and our economy while fulfilling our legal obligations and respecting the rule of law.

“The court has made clear that these rulings have no bearing on the ongoing federal Court of Appeal case challenging the federal approval of the project.

“As there may be appeals in these cases, they remain before the courts, and we have no further comment at this time.”

**From:** Fox, Christiane  
**Sent:** May 24, 2018 2:17 PM  
**To:** Tremblay, Christyne (NRCAN/RNCAN); Nathalie Drouin; Stephen Lucas; Catherine Blewett; Michael Keenan; Tapley, Catrina; Mondou, Isabelle

**Subject:** Fw: BREAKING: Squamish First Nations loses bid at BC Supreme Court to have Trans Mountain environmental certificate revoked

The decision is here:

<http://www.courts.gov.bc.ca/jdb-txt/sc/18/08/2018BCSC0844.htm#SCJTITLEBookmark492>

Sent from my BlackBerry 10 smartphone on the Rogers network.

**Galka, Stephanie**

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**From:** CCG OPP PMO-GCC PPO BGP (DFO/MPO)  
**Sent:** May-25-18 8:41 AM  
**To:** Alvaro, Tanya; Armstrong, John; Arsenault, Eric; Atchison, Chris; Béchard, Geneviève; Beingessner, Edward; Bertorelli, John; Bisailon, Vincent; Bloom, Geri; Boettger, Evan; Boucher, Luc; Boudreau, Brenda; Boudreault, Gaëtan; Bourdon, Jean; Caceres, Jaime; Campbell, Danna; Carrigan, Kevin; Cheung, Vivian; Clarke, Tracey; Corrigan, Michelle; Cosgrove, Joseph; Courchaine, Holly; Davids, Michael; Dubeau, Juliana; Duhaime, Rachel; Dunne, Stephen; Faubert, Diane; Ferro, Antonella; Frenette, Denise; Frenette, Jean; Gascon, Julie; Genge, Jana; Girouard, Roger; Glew, Kelly; Goetze, Darren; Harber, Lee; Haubert, Marie-Christine; Ivany, Gary; Jollez, Katia; Jones, Aimee; Baumgarten, Phoebe; Lajeunesse, Stephanie; Laverdure, Louise; LeCompte, Erin; Legros, Henri; Lick, Gregory; MacDonald, Jeff (NCR); Mahdi, Jonathan; Matthews, Chris; Mazerolle, Michelle; McFadgen, Ray; McLoughlin, Lisa; Melanson, Simon; Meunier, Marc-André; Morphet, Jason (NCR); Moseley, Scott; Moss, Derek; Nesseth, Megan; Nghiem, Kathy; Nickle, Dan; Nzembela, Lydia; O'Brien, Ashley; O'Rourke, Neil; Parent, Sonia; Perron, Donat J; Richardson, Jennifer; Roquebrune, Leslie; Rudak, Kristine; Ryan, Sam; Sanderson, Marc; Seguin, Natalie; Sharp, Jean-Pierre; Sidhu, Mandip; Simmons, Emily; Sloan, Glen; Smith, Ken; Smith, Stefan; Tettamanti, Ryan; Topolnisky, Lydia; Tsang, Joanne; Vaughan, Richard; Veber, Denise; Watkinson, Stephen; Winfield, Nicholas  
**Subject:** Record of Decision for Steering Committee Meeting Group 1 May 17,2018  
**Attachments:** Steering Committee Minutes Group 1 - May 17,2018.docx

Good Morning,

Attached is the Steering Committee Meeting Record of Decision for Group 1 that took place May 17,2018.

If there are corrections required please advise by June 7,2018 and they will be included in the final copy sent in the agenda for the next group 1 meeting.

Thank you,

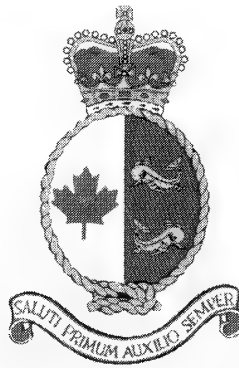
*Geri Bloom*

Project Assistant / Assistant de Projet  
Change Leadership and Implementation Management / Leadership et gestion du changement  
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## Record of Decision – Ocean Protection Plan

Group 1, May 17, 2018

Attendees: Sam Ryan, Derek Moss, Marc Sanderson, Jaime Caceres, Kevin Carrigan, Jana Genge, Phoebe Baumgarten, Antonella Ferro, Simon Melanson, John Bertorelli, Joe Cosgrove, Evan Boettger, Ray McFadgen, Jean Frenette, Henri Legros, Diane Faubert, Joanne Tsang, Geneviève Béchar, Darren Goetze, Rachel Duhaime, Holly Courchaine, Geri Bloom, Lee Harber, Kathy Nghiem, Emily Simmons, Glen Sloan, Brenda Boudreau, Edward Beingessner, Luc Boucher, Danna Campbell, Dan Nickle, Ken Smith

Regrets: Greg Lick, Katia Jollez, DJ Perron, Jonathan Mahdi,

### **General Remarks:**

DG ITS Sam Ryan advised the table of the following two points:

This is the first Steering Committee Meeting in which the entire department's projects are being presented. We have added additional projects to each group as well as moving some projects within groups. Each group will present every 4 weeks. We will be keeping the meetings at 1.5 hours for the time being and will evaluate the outcome. Due to time restraints, please keep project presentations to 5 minutes so we will have time for questions and comments.

Year one was successful but a coding issue has been identified. Some spending was not coded to OPP when it should have been. It is important to ensure the coding is correct so funding can continue to flow.

### **8J130 – Leasing Towing Vessels – Henri Legros**

#### **Project Status: On Track**

Good News: The RFP has been reviewed, sent to PSPC, and a preferred bidder selected. The preferred bidder cannot yet be disclosed. The technical evaluations weight was 30% and the financial weight was 70%. A Vessel Assessment Confirmation visit will be conducted on the preferred bidder by the technical evaluation team next week to ensure the bidder can deliver what the contract asks for. We do not expect any issues and the Contract should be awarded June 15<sup>th</sup>.



The next step will be how soon the ships can be in service. The contract does allow 6 months after signing; however, the bidder is able to do better than that with an early to mid-October date. There could be the possibility of paying to bring the date forward but we have no details of the cost as of yet. We will have further financial details once the contract is awarded. PSPC has advised us it is under the project's daily threshold.

The Commissioner and Deputy Commissioner have been briefed on the project status.

[REDACTED]  
This will not affect the June 15<sup>th</sup> contract award.

#### **8G110 24/7 – Regional Operations Centres (ROCs) & National Command Centre (NCC) – Evan Boettger**

##### **Project Status: Attention Required**

Commencement of limited (one stand) 24/7 coverage in remaining three centres will occur in late summer 2018 if draft PCR-002 is approved, allowing ROC(A) the funds required to backfill personnel assigned to support MRSC. Although the PCR is not yet final, the issue has been escalated and is being worked at the highest level possible. This still remains a **risk** and is why the project is attention required.

A PCR was raised to move the Key Output of 'Develop national training program for ER coordinators within ROCs' to FY 18/19 due to the delay in the development of the ER Training package. Currently, the curriculum is still not ready.

Interviews conducted for 57 GT-05 candidates of second process and 42 successful candidates entered the pool created May 11<sup>th</sup>. We did lose 3 excellent candidates to CBSA.

ROC CONOPS presented for comment to Program Operations Executive Board and will be presented to Fleet OEB the end of May.

s.21(1)(b)

s.69(1)(g) re: (a)

#### **8J140 – Emergency Towing Needs Analysis – Jon Mahdi**

s.69(1)(g) re: (c)

Project presented by Kathy Nghiem

##### **Project Status: Remediation Required**

Engagement with marine stakeholders is On Track; however, engagement with Indigenous Nations is at high-risk. Due to the development of the Reconciliation Framework Agreement and other engagement implications, [REDACTED]

[REDACTED] IRP will keep us updated on the progress and next steps. The engagement will not be completed in the next 2 months which is the deadline that has already been extended by a PCR.

The engagement strategy will have to be revised with the hope the RFA and governance structure will be in place by July. The western region continues to look for additional engagement opportunities.

The first official draft of the Towing Needs Assessment will be shared with the federal family.

[REDACTED]

We have been working closely with TC [REDACTED]

s.21(1)(b)

**8G120 – MRSC St. John's – Ray McFadgen**

**Project Status:** On Track

Operational stand-up completed April 30, 2018. Phase 1 of Operational Transition Plan has commenced and should be complete June 11th. Phase 2 should be complete by the end of the current calendar year. The on-site operational monitoring is ongoing and we will complete recommendation for operational progression. An announcement will take place May 18<sup>th</sup> by The Minister of Veteran Affairs.

The focus will now shift to planning for construction and fit-up of MRSC(S) operations room in the new CG Atlantic HQ Building and a relocation plan.

The training of second cohort of SAR Coordinators is continuing. We are operating with overtime until we are fully staffed.

There are still a few glitches with the phone system that we are working on in the background but they are not affecting operation.

**8G300 – MCTS Staffing Factor – Diane Faubert**

**Project Status:** On Track

MCTS 18-01E began April 30th with 12 participants that will graduate in October. Four of the positions are OPP funded. Action: The OPP Secretariat (John Bertorelli) will look at tying the October graduation of the class to the OpNet activities for an announcement.

The Work Description and Statement of Merit Criteria for the Regional Training Officer positions are expected to be finalized by the end of this reporting period.

We had an issue with coding that caused a surplus. The issue is now corrected.

Issue: There are some OPP positions that are not on the org chart in C&A. We are working on clarifying this as well as verifying the positions in all of the regions.

Although Engagement is not an official component of this project, a recruitment session was held in Iqaluit with very good attendance. Approximately a dozen people wrote the aptitude test with three successfully completing the test. There are 2 positions in Iqaluit open.

### **8H320 – New CCG Stations (SAR) – Jean Frenette**

#### **Project Status: On Track**

Continuing with First Nations (FN) engagement, site selection processes, environmental assessments and designs.

St. Anthony refurbishment is on schedule, 50% completed as of May 11, 2018.

RP is working on refining the construction costs for Twillingate and Old Perlican before continuing to route EPADS within HQ. We are expecting all EPADS to be received in June to obtain a better grasp on the overall project cost.

We are working with PMO on a resolution for the G&Cs for ongoing employment of FN project coordinators.

[REDACTED]

Ongoing – all FNs are highly supportive and engaged in this project.

s.21(1)(b)

The site selection for Twillingate was announced last Monday.

Upcoming announcements include:

- Site selections for Nootka Sound and possibly Victoria area.
- Opening of the interim station in Victoria June 1<sup>st</sup> and relocation of IRB Victoria to Kelsey Bay.

Project Charter updated and Project Change requests (PCR) are being submitted to officially document the following changes:

- Funding of National Bay Class Operationalization Teams in Dartmouth (1.5M).
- Acquisition of boat hydraulic lifts and loaders for Atlantic region (900K).
- Changes to project schedule not effecting key outcomes dates. Highlight the change of construction start dates in Western region and completion of refurbishment of St. Anthony.

No change in risk profile. The risks will be re-assessed at our national meeting next week.

Known Issues:

Project title and Port Renfrew engagement resolved.

Hartley Bay Announcements submitted to HQ in December.

Will set up separate project steering committee meeting to address the following issues:

- CCG Branding: vehicle marking.
- Station equipment standard.

#### **8J110 – Installation and Operationalization of Tow Capacity – Rachel Duhaime**

**Project Status:** On Track

The contract has been awarded and was announced yesterday. We will now proceed with procurement.

Staffing action resulted in an eligibility list; one FTE will be hired for the project at the GT-06 level. The acting position is now posted.

The pilot project for the Atlantic region will take place mid-June and the Western region will take place early summer. The Atlantic region's plan is to leave the test tow kit on a vessel while the Western region's plan is to move the test tow kit from vessel to vessel.

#### **Marine Mammal Response and Marine Protected Areas Surveillance and Enforcement Program - Darren Goetze**

**Project Status:** On Track

The scope of this project: Fisheries and Oceans Canada Fishery Officers will develop a national approach and capacity to better respond to marine mammal incidents.

In January, we held a national team meeting where the training plan and CONOPS strategy were discussed.

Further training has been done and we have received additional classified positions to hire.

First batch of equipment was ordered in November to support operations. A working group was created to standardize equipment required, and helmets have been added following an incident last year.

Enforcement plans are in place in each region except Newfoundland and their network of marine protected areas. The milestone will be marked completed.

A regional management meeting is to be scheduled for DFO OPP Results and Plans.

The North Atlantic Right Whale Operational Plan has been drafted

s.21(1)(b)

**Modern Hydrography and Charting in Key Areas - Genevieve, Béchard**

**Project Status:** On Track and going well.

We are working on re-profiling funds from year 4 and 5 forward to year 2 and 3 in order to get the charting completed.

Staffing is being finalized for year 2 positions.

Risk: The risk is the existing data storage will be exacerbated. Huge amounts of data are being collected to get the charts out. IMTS is fully engaged. There is a pilot using the cloud to see if that is a viable interim solution.

The sub-initiative was mentioned in yesterday's ministerial announcement.

Dedicated ship time will be discussed with Coast Guard.

Issue: The vessels have old sonar equipment that will need to be updated for gathering Artic Data. The funding for new sonar equipment is not included in this project and may have to be added. The vessels may have to come out of service for the installation.

**Closing Remarks:** N/A

**ACTIONS:**

8G300 – MCTS Staffing Factor. The OPP Secretariat (John Bertorelli) will look at tying the October graduation of the class to the OPNET activities for an announcement.

s.19(1)

## **Blewett, Catherine**

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**From:** Hutchinson, Jeffery  
**Sent:** May-27-18 9:17 PM  
**To:** Blewett, Catherine  
**Subject:** Fw: Crews cleaning up oil spill at Kinder Morgan station north of Kamloops, B.C. | National Newswatch

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Fysa.

Sent from my BlackBerry 10 smartphone on the Rogers network.

**From:** [REDACTED]  
**Sent:** Sunday, May 27, 2018 9:15 PM  
**To:** Hutchinson, Jeffery  
**Subject:** Crews cleaning up oil spill at Kinder Morgan station north of Kamloops, B.C. | National Newswatch

[https://www.nationalnewswatch.com/2018/05/27/crews-cleaning-up-oil-spill-at-kinder-morgan-station-north-of-kamloops-b-c/#.WwtX\\_hZE2Ed](https://www.nationalnewswatch.com/2018/05/27/crews-cleaning-up-oil-spill-at-kinder-morgan-station-north-of-kamloops-b-c/#.WwtX_hZE2Ed)

# **Crews cleaning up oil spill at Kinder Morgan station north of Kamloops, B.C.**

The Canadian Press

DARFIELD, B.C. — Crews using an emergency response trailer and vacuum trucks are working to clean up a crude oil spill at a Kinder Morgan station north of Kamloops, B.C.

The provincial Ministry of Environment said a flow metre has leaked about 100 litres of crude oil into the ground at the Darfield station.

It said no waterways have been affected, and the spill has been contained within station property.

In a statement, Kinder Morgan said it was alerted to an operational disruption through its internal safety system in the early hours of Sunday morning.

"The station was quickly isolated and as a precaution, the main Trans Mountain Pipeline has been shut down," the company said, adding it expected to restart the pipeline Sunday afternoon.

The company said air monitoring is ongoing, and it has notified neighbours and other stakeholders.

It said the leaked product was a medium crude blend.

The spill comes days before a deadline set by Kinder Morgan for its controversial Trans Mountain pipeline expansion project.

The company suspended all non-essential construction on the project in April, citing opposition from the B.C. government that put the viability of the pipeline in question.

It has set a May 31 deadline for getting assurances it can proceed without delays on the controversial project.

Companies in this story: (TSX:KML)

The Canadian Press

s.19(1)

[REDACTED]

**Galka, Stephanie**

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**From:** CCG OPP PMO-GCC PPO BGP (DFO/MPO)  
**Sent:** May-28-18 8:44 AM  
**To:** Goetze, Darren; Béchar, Geneviève; Laverdure, Louise; Winfield, Nicholas; Frenette, Denise; MacDonald, Jeff (NCR)  
**Cc:** Caceres, Jaime; Melanson, Simon; Ferro, Antonella; Bertorelli, John; Ryan, Sam; Lick, Gregory; Sanderson, Marc; O'Rourke, Neil; Campbell, Danna; CCG OPP PMO-GCC PPO BGP (DFO/MPO)  
**Subject:** OPP Steering Committee Meeting Groups  
**Attachments:** OPP Steering Committee Meetings - Agendas List withCCG-DFO .xlsx

Good Morning,

Attached is the revised Steering Committee Meeting groups for merged secretariat.

1. May 31 starts with group 2. The order follows numerically and if an occurrence is canceled for any reason all groups are moved out one week.
2. If the DFO DG's would like to assign project leads we can add them to the list. Please let us know.
3. If anybody needs to be added to the meeting invites (or removed) they can reach out to us at [oppmmo\\_ppobgp@dfo-mpo-gc.ca](mailto:oppmmo_ppobgp@dfo-mpo-gc.ca)

Thank You

*Geri Bloom*

Project Assistant / Assistant de Projet  
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# GROUP 1

Project Code	Project Name	Project Manager	Pillar	Initiative	Sub-Initiative
8G110	24/7 emergency response capacity to effectively manage marine incidents	Evan Boettger	STATE OF THE ART MARINE SAFETY SYSTEM	FEDERAL OVERSIGHT OF INCIDENT MANAGEMENT	24/7 EMERGENCY RESPONSE CAPACITY TO EFFECTIVELY MANAGE MARINE INCIDENTS
8G120	Maritime Rescue Sub-Centre (MRSC St. John's)	Ray McFadgen	STATE OF THE ART MARINE SAFETY SYSTEM	FEDERAL OVERSIGHT OF INCIDENT MANAGEMENT	24/7 EMERGENCY RESPONSE CAPACITY TO EFFECTIVELY MANAGE MARINE INCIDENTS
8G300	MCTS Staffing Factor	Diane Faubert	STATE OF THE ART MARINE SAFETY SYSTEM	FEDERAL OVERSIGHT OF INCIDENT MANAGEMENT	MCTS STAFFING FACTOR
8H320	New CCG Stations (SAR)	Jean Frenette	STATE OF THE ART MARINE SAFETY SYSTEM	ON-WATER PRESENCE AND RESPONSE CAPACITY	SIX NEW SAR LIFEBOATS AND IN-SHORE RESCUE BOAT
8J110	Installation and Operationalization of Tow Capacity	Rachel Duhaime	STATE OF THE ART MARINE SAFETY SYSTEM	INCREASE EMERGENCY TOW CAPACITY	INCREASE EMERGENCY TOW CAPACITY
8J130	Leasing Towing Vessels	Henri Legros	STATE OF THE ART MARINE SAFETY SYSTEM	INCREASE EMERGENCY TOW CAPACITY	INCREASE EMERGENCY TOW CAPACITY
8J140	Emergency Towing Needs Analysis	Jon Mahdi	STATE OF THE ART MARINE SAFETY SYSTEM	INCREASE EMERGENCY TOW CAPACITY	INCREASE EMERGENCY TOW CAPACITY
8B100	Operational Network (OpNet)	Ashley O'Brien / MJ Windover	STATE OF THE ART MARINE SAFETY SYSTEM	NATIONAL VESSEL TRACKING AND MONITORING SYSTEM	OPERATIONAL NETWORK (OpNet)
8B200	Strengthen the National MCTS Radar Network	Eric Arsenault	STATE OF THE ART MARINE SAFETY SYSTEM	NATIONAL VESSEL TRACKING AND MONITORING SYSTEM	ADDITIONAL RADAR SITES
8Q210	Marine Animals Response/Marine Protected Areas Surveillance	Darren Goetze (DG, Conservation and Protection)	PRESERVATION AND RESTORATION OF MARINE ECOSYSTEMS	Conserve or Restore Marine Ecosystems	Marine Mammal Response and Marine Protected Areas Surveillance and Enforcement Program
8C110 8C120 8C130 8C140 8C141 8C142 8C145 8C150	1. CHS - Ports and Waterways. 2. CHS - Near-shore. 3. CHS - DHPS (Dynamic Hydrographic Products and Services). 4. CHS - Arctic. 5. HMCS Kingston. 6. RRS Ernest Shackelton. 7. CCGS Henry Larsen. 8. CHS - Earth Observation Acquisition and Analysis. 9. CHS - OPP integration Group.	Genevieve, Béchard (Canadian Hydrographic Services, Science)	PRESERVATION AND RESTORATION OF MARINE ECOSYSTEMS	Navigational Information	Modern Hydrography and Charting in Key Areas

Note: Moved CCG OpNet and Radar projects From Group 4 to Group 1.

## GROUP 2

Project Code	Project Name	Project Manager	Pillar	Initiative	Sub-Initiative
8H210	CCG ER Training and Exercising Program	Janet Twining	STATE OF THE ART MARINE SAFETY SYSTEM	ON-WATER PRESENCE AND RESPONSE CAPACITY	INCREASE ON-SCENE ENVIRONMENTAL RESPONSE CAPACITY
8W200	Leverage CCGA for Environmental Response	Janet Twining	INDIGENOUS PARTNERSHIPS	ENHANCED INDIGENOUS AND COMMUNITY CAPACITY IN THE DESIGN AND DELIVERY OF THE MARINE SAFETY AND ENVIRONMENTAL PROTECTION MEASURES	LEVERAGE CCGA FOR ENVIRONMENTAL RESPONSE
8L200	Making Funds Easily Accessible for Response Clean-up	Mark Henry	STATE OF THE ART MARINE SAFETY SYSTEM	ON-WATER PRESENCE AND RESPONSE CAPACITY	MAKING FUNDS EASILY ACCESSIBLE FOR RESPONSE AND CLEAN-UP
8H500	Port Hardy Depot	Randy Burgin	STATE OF THE ART MARINE SAFETY SYSTEM	ON-WATER PRESENCE AND RESPONSE CAPACITY	NEW STAFFED LOGISTIC DEPOT NEAR PORT HARDY IN BC
8D200	Strengthen Coast Guard Authorities for Environmental Response	Dan Cowan	STATE OF THE ART MARINE SAFETY SYSTEM	MODERNIZE REGULATORY AND OVERSIGHT FRAMEWORK	STRENGTHEN COAST GUARD AUTHORITIES (FRAMEWORK)
8H100	Legislative Changes to Provide CCG with Clarified Authorities for Ship-Source Pollution Incidents	Dan Cowan	STATE OF THE ART MARINE SAFETY SYSTEM	ON-WATER PRESENCE AND RESPONSE CAPACITY	LEGISLATIVE CHANGES TO PROVIDE CCG WITH CLARIFIED AUTHORITIES FOR SHIP-SOURCE POLLUTION INCIDENTS
8L100	Hazardous and Noxious Substances (HNS) Spill Response	Dan Cowan	STATE OF THE ART MARINE SAFETY SYSTEM	POLICY ANALYSIS TO MOVE TOWARDS A SEAMLESS, INTEGRATED RESPONSE FRAMEWORK FOR SPILLS IN WATER AND TO MAKE FUNDS EASILY ACCESSIBLE FOR RESPONSE CLEAN-UP	ESTABLISHING A NATIONAL FRAMEWORK TO RESPOND TO HAZARDOUS AND NOXIOUS SUBSTANCES (HNS) FROM SHIPS
8M100	Alternative Response Measures (ARMs)	Dan Cowan	STATE OF THE ART MARINE SAFETY SYSTEM	ALTERNATIVE RESPONSE MEASURES (ARMs)	ALTERNATIVE RESPONSE MEASURES (ARMs)
8H230	Primary Environmental Response Teams (PERTs)	JJ Brickett (Interim)	STATE OF THE ART MARINE SAFETY SYSTEM	ON-WATER PRESENCE AND RESPONSE CAPACITY	INCREASE ON-SCENE ENVIRONMENTAL RESPONSE CAPACITY
8H400	CCG ER / Mobile Command Post Equipment Modernization Project	Kim Hamilton	STATE OF THE ART MARINE SAFETY SYSTEM	ON-WATER PRESENCE AND RESPONSE CAPACITY	MODERNIZE CCG ENVIRONMENTAL EMERGENCY RESPONSE EQUIPMENT
8X110	Enhanced oceanographic modelling for risk assessment and emergency response	Louise Laverdure (DG, Science)	STRONGER EVIDENCE BASE, AND INCREASED COMMUNITY PARTICIPATION AND PUBLIC AWARENESS	Strengthening our understanding of how oil products behave in water	Improving drift prediction and near-shore modelling
8X210	Establish a multi-partner Oil Spill Response	Louise Laverdure (DG, Science)	STRONGER EVIDENCE BASE, AND INCREASED COMMUNITY PARTICIPATION AND PUBLIC AWARENESS	Strengthening our understanding of how oil products behave in water	Establishing a multi-partner oil spill response technology reasearch for spill clean-up
8X310	Oceans Network Canada - Oceanographic Data	Louise Laverdure (DG, Science)	STRONGER EVIDENCE BASE, AND INCREASED COMMUNITY PARTICIPATION AND PUBLIC AWARENESS	Strengthening our understanding of how oil products behave in water	Oceans Network Canada - Oceanographic radar and hydrophone support
8X410	Expand Research on Fate, Behaviour and Biological impact	Louise Laverdure (DG, Science)	STRONGER EVIDENCE BASE, AND INCREASED COMMUNITY PARTICIPATION AND PUBLIC AWARENESS	Strengthening our understanding of how oil products behave in water	Expand reasearch on date, behaviour and biological impact

8G200	Purchase and Development of Mobile Command Posts	Bert Paulin	STATE OF THE ART MARINE SAFETY SYSTEM	FEDERAL OVERSIGHT OF INCIDENT MANAGEMENT	PURCHASE AND DEVELOPMENT OF MOBILE COMMAND POSTS
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### GROUP 3

Project Code	Project Name	Project Manager	Pillar	Initiative	Sub-Initiative
8D100	Technical Review Process of Marine Terminal Systems and Transshipment Sites (TERMPOL)	Peter Stapleton	STATE OF THE ART MARINE SAFETY SYSTEM	MODERNIZE REGULATORY AND OVERSIGHT FRAMEWORK	Technical Review Process of Marine Terminal Systems and Transshipment Sites (TERMPOL)
8H220	ER Student and Indigenous Recruitment Program	Hyerin Choi	STATE OF THE ART MARINE SAFETY SYSTEM	ON-WATER PRESENCE AND RESPONSE CAPACITY	INCREASE ON-SCENE ENVIRONMENTAL RESPONSE CAPACITY
8H310	Inshore Rescue Boat North (IRB North)	Peter Garapick	STATE OF THE ART MARINE SAFETY SYSTEM	ON-WATER PRESENCE AND RESPONSE CAPACITY	SIX NEW SAR LIFEBOATS AND IN-SHORE RESCUE BOAT
8K100	Increased presence and extended season in the Arctic	Marc Delisle	STATE OF THE ART MARINE SAFETY SYSTEM	ARCTIC OVERSIGHT	CCG ARCTIC PRESENCE
8T100	Indigenous Relations and Partnerships	Heather Belfer	INDIGENOUS PARTNERSHIPS	FACILITATING INDIGENOUS PARTNERSHIPS IN THE MARINE SAFETY SYSTEM	BUILDING MEANINGFUL PARTNERSHIPS WITH INDIGENOUS GROUPS IN MARINE SAFETY
8T200	Northern Marine Transportation Corridors and Governance for the Arctic Shipping Regime	Kimberley Unterganschnigg	INDIGENOUS PARTNERSHIPS	FACILITATING INDIGENOUS PARTNERSHIPS IN THE MARINE SAFETY SYSTEM	NORTHERN MARINE TRANSPORTATION CORRIDORS AND GOVERNANCE FOR THE ARCTIC SHIPPING REGIME
8W100	Coast Guard Auxiliary - Indigenous Branch	Tara Bellefontaine	INDIGENOUS PARTNERSHIPS	ENHANCED INDIGENOUS AND COMMUNITY CAPACITY IN THE DESIGN AND DELIVERY OF THE MARINE SAFETY AND ENVIRONMENTAL PROTECTION MEASURES	COAST GUARD AUXILIARY CHAPTER IN BRITISH COLUMBIA
8W420	Expansion of Arctic Auxiliaries	Tara Bellefontaine	INDIGENOUS PARTNERSHIPS	ENHANCED INDIGENOUS AND COMMUNITY CAPACITY IN THE DESIGN AND DELIVERY OF THE MARINE SAFETY AND ENVIRONMENTAL PROTECTION MEASURES	COAST GUARD AUXILIARY CHAPTER IN THE ARCTIC AND COMMUNITY BOATS EXPANSION
8W310	Indigenous Community Response Teams	Kayla Meyer	INDIGENOUS PARTNERSHIPS	ENHANCED INDIGENOUS AND COMMUNITY CAPACITY IN THE DESIGN AND DELIVERY OF THE MARINE SAFETY AND ENVIRONMENTAL PROTECTION MEASURES	INDIGENOUS COMMUNITY RESPONSE TEAMS
8W410	Indigenous Community Boats North of 60	Pauli Thurner	INDIGENOUS PARTNERSHIPS	ENHANCED INDIGENOUS AND COMMUNITY CAPACITY IN THE DESIGN AND DELIVERY OF THE MARINE SAFETY AND ENVIRONMENTAL PROTECTION MEASURES	COAST GUARD AUXILIARY CHAPTER IN THE ARCTIC AND COMMUNITY BOATS EXPANSION
8A100	EMSA (Enhanced Maritime Situational Awareness)	David Toomey / Mike Furlong	STATE OF THE ART MARINE SAFETY SYSTEM	REAL-TIME MARINE TRAFFIC INFORMATION FOR INDIGENOUS AND COASTAL COMMUNITIES	EMSA (ENHANCED MARITIME SITUATIONAL AWARENESS)
8W320	Collaborative Situational Awareness Portal (CSAP)	Minh Tieng Huynh	INDIGENOUS PARTNERSHIPS	ENHANCED INDIGENOUS AND COMMUNITY CAPACITY IN THE DESIGN AND DELIVERY OF THE MARINE SAFETY AND ENVIRONMENTAL PROTECTION MEASURES	INDIGENOUS COMMUNITY RESPONSE TEAMS
8Q110	Coastal Restoration Fund - supports coastal habitat restoration projects	Nick Winfield (DG, Ecosystems Management)	PRESERVATION AND RESTORATION OF MARINE ECOSYSTEMS	Conserve or Restore Marine Ecosystems	Coastal Restoration Fund

**Note:** Moved EMSA and CSAP projects From Group 4 to Group 3.

## GROUP 4

Project Code	Project Name	Project Manager	Pillar	Initiative	Sub-Initiative
8E110	Regional Response Planning (RRP) Pilot in Northern BC	Jay Lafrance / Rima Aristocrat	STATE OF THE ART MARINE SAFETY SYSTEM	REGIONAL RESPONSE PLANNING	REGIONAL RESPONSE PLANNING (RRP)
8E120 8E140	1. Regional Response Planning (RRP) Pilot in Northern BC (EOS) 2. Regional Response Planning (RRP) Pilot in Northern BC (AE)	Louise Laverdure (DG, Science) & Jeff MacDonald (DG, Oceans Management)	STATE OF THE ART MARINE SAFETY SYSTEM	REGIONAL RESPONSE PLANNING	REGIONAL RESPONSE PLANNING (RRP)
8F100	Risk Analysis of Maritime Search and Rescue Delivery (RAMSARD)	Sheyla Dussault / Yasmine Clarke	STATE OF THE ART MARINE SAFETY SYSTEM	NATIONAL IMPLEMENTATION OF THE RISK-BASED ANALYSIS OF MARITIME SEARCH AND RESCUE DELIVERY METHODOLOGY (RAMSARD)	NATIONAL IMPLEMENTATION OF THE RISK-BASED ANALYSIS OF MARITIME SEARCH AND RESCUE DELIVERY METHODOLOGY (RAMSARD)
8R100	New Legislation	Gwen Willems	PRESERVATION AND RESTORATION OF MARINE ECOSYSTEMS	A COMPREHENSIVE STRATEGY FOR VESSELS OF CONCERN	NEW LEGISLATION
8R200	P/T Consultations and Engagement	Gwen Willems	PRESERVATION AND RESTORATION OF MARINE ECOSYSTEMS	A COMPREHENSIVE STRATEGY FOR VESSELS OF CONCERN	IMPROVE OWNER IDENTIFICATION AND CREATE VESSEL REMEDIATIONS FUNDS
8R300	Risk-Based Strategy to Address Vessels of Concern	Gwen Willems	PRESERVATION AND RESTORATION OF MARINE ECOSYSTEMS	A COMPREHENSIVE STRATEGY FOR VESSELS OF CONCERN	RISK-BASED STRATEGY TO ADDRESS VESSELS OF CONCERN
8R400	Small Craft harbour vessel removal	Denise Frenette (DG, Small Craft Harbours)	PRESERVATION AND RESTORATION OF MARINE ECOSYSTEMS	A COMPREHENSIVE STRATEGY FOR VESSELS OF CONCERN	Support the Removal of Small Legacy Vessels
8P110	Reducing the threat of vessel traffic on whales and other marine mammals through detection and avoidance	Louise Laverdure (DG, Science)	PRESERVATION AND RESTORATION OF MARINE ECOSYSTEMS	Mitigating the Risk of Marine Shipping on the Environment, including impacts of underwater noise from ships	Reducing the threat of vessel traffic on whales and other marine mammals through detection and avoidance
8N100	Develop a Coastal Environmental Baseline Program to Assess the Cumulative Impacts of Marine Shipping	Louise Laverdure (DG, Science)	PRESERVATION AND RESTORATION OF MARINE ECOSYSTEMS	Develop a Coastal Environmental Baseline Monitoring Program to Assess the Cumulative Impacts of Marine Shipping	Develop a Coastal Environmental Baseline Monitoring Program to Assess the Cumulative Impacts of Marine Shipping
8P210	Establishing Marine Environmental Quality Regulatory and non-regulatory measures (Aquatic Ecosystems)	Louise Laverdure (DG, Science) & Jeff MacDonald (DG, Oceans Management)	PRESERVATION AND RESTORATION OF MARINE ECOSYSTEMS	Mitigating the Risk of Marine Shipping on the Environment, including impacts of underwater noise from ships	Establishing marine environmental quality regulatory and non-regulatory measures
8Y100 8Y120	1. Oceans Strategy Development 2. Marine Spacial Planning Pacific North Coast Pilot	Jeff MacDonald (DG, Oceans Management)	STRONGER EVIDENCE BASE, AND INCREASED COMMUNITY PARTICIPATION AND PUBLIC AWARENESS	Oceans Strategy: A new Governance for Canada's Oceans	Oceans Strategy: A new Governance for Canada's Oceans

## Schwark, Valerie

---

**From:** Johal, Sharan on behalf of Reid, Rebecca  
**Sent:** May-29-18 3:00 PM  
**To:** Sandgathe, Tracey L  
**Subject:** FYI: Prime Minister speaks with Premier Horgan on agreement on the Trans Mountain Expansion Project

FYI

Cara Fogliato for Sharan Johal

Executive Assistant to the Regional Director General/ Assistant Exécutif au Directrice Général Régional  
Tel: 604-666-1376/Fax: 604-666-8956

**From:** PMO [<mailto:pm@PM.GC.CA>]  
**Sent:** May-29-18 1:44 PM  
**To:** ALLNEWS\_E@LSERV.PMO-CPM.GC.CA  
**Subject:** Prime Minister speaks with Premier Horgan on agreement on the Trans Mountain Expansion Project

From the [Prime Minister's Web Site \(https://pm.gc.ca/\)](https://pm.gc.ca/)

---

## Prime Minister speaks with Premier Horgan on agreement on the Trans Mountain Expansion Project

May 29, 2018  
Ottawa, Ontario

Prime Minister Justin Trudeau spoke today with British Columbia Premier John Horgan to confirm that the Government of Canada has reached a commercial agreement with Kinder Morgan in order to secure the timely completion of the Trans Mountain Expansion Project. The Prime Minister confirmed that the agreement will guarantee the resumption of work for the summer construction season and protect thousands of jobs.

During the call, the Prime Minister reiterated the federal government's jurisdiction over interprovincial pipelines, and noted that the Government of Canada is confident that, with this agreement, it is upholding the trust Canadians have placed in the government to both grow the economy and protect the environment. The Prime Minister noted that this project is made possible because of Canada's world-leading Oceans Protection Plan, extensive and ongoing consultations with Indigenous communities, strengthened environmental standards, and a rigorous approvals process.

The Prime Minister reaffirmed his commitment to work collaboratively with British Columbia on important issues such as supporting infrastructure, fighting climate change, and protecting our environment and coasts.

PMO Media Relations: [media@pmo-cpm.gc.ca](mailto:media@pmo-cpm.gc.ca)  
This document is also available at <https://pm.gc.ca>

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## Schwark, Valerie

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**From:** Johal, Sharan on behalf of Reid, Rebecca  
**Sent:** May-29-18 2:59 PM  
**To:** Sandgathe, Tracey L  
**Subject:** FYI: Prime Minister speaks with Premier Notley on agreement on the Trans Mountain Expansion Project

FYI

Cara Fogliato for Sharan Johal

Executive Assistant to the Regional Director General/ Assistant Exécutif au Directrice Général Régional  
Tel: 604-666-1376/Fax: 604-666-8956

**From:** PMO - CPM [<mailto:pm@PM.GC.CA>]  
**Sent:** May-29-18 1:46 PM  
**To:** ALLNEWS BE@LSERV.PMO-CPM.GC.CA  
**Subject:** Prime Minister speaks with Premier Notley on agreement on the Trans Mountain Expansion Project

From the [Prime Minister's Web Site \(https://pm.gc.ca/\)](https://pm.gc.ca/)

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### Prime Minister speaks with Premier Notley on agreement on the Trans Mountain Expansion Project

May 29, 2018  
Ottawa, Ontario

Prime Minister Justin Trudeau spoke today with Alberta Premier Rachel Notley on the commercial agreement that the Government of Canada has reached with Kinder Morgan in order to secure the timely completion of the Trans Mountain Expansion Project. The Prime Minister expressed appreciation for Premier Notley's continued support for the project, and confirmed that the agreement will guarantee the resumption of work for the summer construction season and protect thousands of jobs.

During the call, the Prime Minister acknowledged Alberta's commitment to get the project done, and confirmed his understanding that Alberta's contribution would act as an emergency fund and would only come into play if required due to unforeseen circumstances.

The Prime Minister and Premier Notley noted their shared belief that it is possible – and fundamental – to grow the economy and protect the environment at the same time. They also agreed to continue working together on fighting climate change and protecting our environment.

PMO Media Relations: [media@pmo-cpm.gc.ca](mailto:media@pmo-cpm.gc.ca)  
This document is also available at <https://pm.gc.ca>

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Envoi du site Web du [Premier ministre \(https://pm.gc.ca/\)](https://pm.gc.ca/)

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**Le premier ministre s'est entretenu avec la première ministre Notley concernant l'entente sur le projet d'agrandissement du réseau Trans Mountain**

Le 29 mai 2018  
Ottawa (Ontario)

Le premier ministre Justin Trudeau s'est entretenu aujourd'hui avec la première ministre Rachel Notley de l'Alberta concernant l'entente commerciale conclue entre le gouvernement du Canada et Kinder Morgan afin d'assurer l'achèvement du projet d'agrandissement du réseau Trans Mountain dans les délais prévus. Le premier ministre a remercié la première ministre Notley de son appui continu à l'égard du projet, et il a confirmé que l'entente assurera la reprise des travaux pendant la saison estivale de construction et protégera des milliers d'emplois.

Lors de l'appel, le premier ministre a reconnu l'engagement de l'Alberta visant à réaliser le projet. Il a également confirmé sa compréhension que la contribution de l'Alberta servirait d'un fonds d'urgence et serait offerte uniquement en cas de circonstances imprévues.

Le premier ministre et la première ministre Notley ont souligné leur conviction commune qu'il est possible, et essentiel, de faire croître l'économie tout en protégeant l'environnement. Ils ont également convenu de continuer à travailler ensemble en vue de lutter contre les changements climatiques et de protéger notre environnement.

CPM – Relations avec les médias : [media@pmo-cpm.gc.ca](mailto:media@pmo-cpm.gc.ca)  
Ce document se trouve également à l'adresse : <https://pm.gc.ca>

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## Galka, Stephanie

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**From:** Smith, Kathleen  
**Sent:** May-29-18 3:29 PM  
**To:** Winfield, Nicholas; Marquis, Hélène; Crance, Colin; Gordanier, Tania  
**Cc:** Fagan, Ashley  
**Subject:** Comms products from Finance for TMX  
**Attachments:** RE: Announcement; RE: Announcement

FYI, comms products from this morning's announcement.  
KS

**From:** Arcand, Ingrid (NRCan/RNCan) <[ingrid.arcand@canada.ca](mailto:ingrid.arcand@canada.ca)>  
**Sent:** Tuesday, May 29, 2018 2:39 PM  
**To:** Smith, Kathleen <[Kathleen.Smith@dfo-mpo.gc.ca](mailto:Kathleen.Smith@dfo-mpo.gc.ca)>; Joanisse, Micheline (NRCan/RNCan) <[micheline.joanisse@canada.ca](mailto:micheline.joanisse@canada.ca)>  
**Cc:** Fagan, Ashley <[Ashley.Fagan@dfo-mpo.gc.ca](mailto:Ashley.Fagan@dfo-mpo.gc.ca)>  
**Subject:** RE: can you send MLs and Qs&As on TMX?

Finance Canada material attached.

**From:** Smith, Kathleen <[Kathleen.Smith@dfo-mpo.gc.ca](mailto:Kathleen.Smith@dfo-mpo.gc.ca)>  
**Sent:** May 29, 2018 2:37 PM  
**To:** Joanisse, Micheline (NRCan/RNCan) <[micheline.joanisse@canada.ca](mailto:micheline.joanisse@canada.ca)>; Arcand, Ingrid (NRCan/RNCan) <[ingrid.arcand@canada.ca](mailto:ingrid.arcand@canada.ca)>  
**Cc:** Fagan, Ashley <[Ashley.Fagan@dfo-mpo.gc.ca](mailto:Ashley.Fagan@dfo-mpo.gc.ca)>  
**Subject:** can you send MLs and Qs&As on TMX?

Thanks!

### Kathleen Smith

A/Manager Communications / Gestionnaire p-i  
Aquatic Ecosystems Sector / Équipes du Secteur des écosystèmes aquatiques

s.16(2)

(613) 990-0636 (office-bureau) / [REDACTED] (Blackberry)  
Fisheries and Oceans Canada / Pêches et Océans Canada

## Galka, Stephanie

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**From:** Zoubek, Peter (FIN) <peter.zoubek@canada.ca>  
**Sent:** May-29-18 12:13 PM  
**To:** Aung-Thin, Pamela (FIN); Johnson, Mollie (NRCAN/RNCAN)  
**Cc:** Vaillancourt, Danica (NRCAN/RNCAN); Joannis, Micheline (NRCAN/RNCAN); Arcand, Ingrid (NRCAN/RNCAN)  
**Subject:** RE: Announcement  
**Attachments:** Comprehensive Q&A package - May 28-final.docx

As requested:

**From:** Aung-Thin, Pamela (FIN)  
**Sent:** May-29-18 11:33 AM  
**To:** Zoubek, Peter (FIN) <peter.zoubek@canada.ca>; Johnson, Mollie (NRCAN/RNCAN) <mollie.johnson@canada.ca>  
**Cc:** Vaillancourt, Danica (NRCAN/RNCAN) <danica.vaillancourt@canada.ca>; Joannis, Micheline (NRCAN/RNCAN) <micheline.joannis@canada.ca>; Arcand, Ingrid (NRCAN/RNCAN) <ingrid.arcand@canada.ca>  
**Subject:** RE: Announcement

Hi Peter, can you also share the long version of the Q&As please? Mollie, I shared a copy with your Associate and aDM at the NPT this morning. May be useful background info from you too and if you need any other info, happy to talk or send you anything you may need.

Cheers,  
Pam

**From:** Zoubek, Peter (FIN)  
**Sent:** Tuesday, May 29, 2018 9:32 AM  
**To:** Aung-Thin, Pamela (FIN) <pamela.aung-thin@canada.ca>; Johnson, Mollie (NRCAN/RNCAN) <mollie.johnson@canada.ca>  
**Cc:** Vaillancourt, Danica (NRCAN/RNCAN) <danica.vaillancourt@canada.ca>; Joannis, Micheline (NRCAN/RNCAN) <micheline.joannis@canada.ca>; Arcand, Ingrid (NRCAN/RNCAN) <ingrid.arcand@canada.ca>  
**Subject:** RE: Announcement

Good morning Mollie, as requested, attached are the PDF documents for today Trans Mountain announcement. Peter

**From:** Aung-Thin, Pamela (FIN)  
**Sent:** May-29-18 9:25 AM  
**To:** Johnson, Mollie (NRCAN/RNCAN) <mollie.johnson@canada.ca>; Zoubek, Peter (FIN) <peter.zoubek@canada.ca>  
**Cc:** Vaillancourt, Danica (NRCAN/RNCAN) <danica.vaillancourt@canada.ca>; Joannis, Micheline (NRCAN/RNCAN) <micheline.joannis@canada.ca>; Arcand, Ingrid (NRCAN/RNCAN) <ingrid.arcand@canada.ca>  
**Subject:** Re: Announcement

Yes, no problem Molly. I'm at the NPT now and my cell coverage is very weak but I've copied Peter Zoubek who will share.

Pam

Sent from my BlackBerry 10 smartphone on the Rogers network.

**From:** Johnson, Mollie (NRCAN/RNCAN)

**Sent:** Tuesday, May 29, 2018 9:16 AM

**To:** Aung-Thin, Pamela (FIN)

**Cc:** Vaillancourt, Danica (NRCAN/RNCAN); Joanisse, Micheline (NRCAN/RNCAN); Arcand, Ingrid (NRCAN/RNCAN)

**Subject:** Announcement

Hi there,

Do you have the kit that went to the media this morning? If so, would you mind flipping it over?

Many thanks,

Mollie

Sent from my BlackBerry 10 smartphone on the Rogers network.

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## **General Project Q&A**

### **1. Why did the Government approve the pipeline?**

- When we approved the Trans Mountain Expansion, we had completed the most thorough review of any energy project:
  - The BC Government approved the project
  - We consulted Indigenous communities together with the Province of British Columbia
  - We assessed the projects' direct and upstream greenhouse gas emissions
  - We determined that it fit within the cap on emissions set by Alberta's climate plan
  - We talked to Canadians – through a Ministerial Panel and digital engagement
- As part of its decision, our Government also made a generational investment of \$1.5 billion in ocean safety to address legitimate concerns over spill prevention and response and provide significant additional protections for Burrard Inlet and the Salish Sea.
- We satisfied ourselves that this is the best path for Canada – now, we stand behind our decision – confident in Canada's federal jurisdiction – to get the project built in the interests of all Canadians.

### **2. How comprehensive was the National Energy Board review process?**

- The Trans Mountain Expansion project was subject to a strengthened federal review of major projects under the Canadian Environmental Assessment Act 2012 and the National Energy Board Act which required committing to more Indigenous and public consultations, considering climate change impacts, and incorporating stronger science and Indigenous traditional knowledge.
- A special Ministerial panel held 44 public meetings hearing more than 600 presentations, and receiving some 20,000 written and 35,000 on-line submissions.



**3. Why is this project safer than transporting bitumen by rail or truck?**

- Pipelines are the safest and most efficient way to move large volumes of oil across our country and to international markets.
- Recent studies have shown that pipelines have fewer spills per barrel than rail.
- The NEB regulates pipelines in Canada that move approximately 1.3 billion barrels of oil per year.

**4. How confident is the Government that this project is under federal jurisdiction?**

- Very confident. This project is in the national interest and that is why the National Energy Board approved it. The pipeline is a federally regulated interprovincial work and the federal government is prepared to stand behind its approvals.
- We are willing to stand behind that point of view and protect the project's investors from the risks presented by those who would suggest that is not within the federal government's jurisdiction.

**5. As you know, and as polls have shown us, there is very strong public opposition to this project in B.C. How do you expect to convince a developer to proceed with investing in a province that wants absolutely nothing to do with them?**

- Polls from BC show that many British Columbians support the pipeline expansion as long as the environment is protected – and we will.

**6. When is the in-service date of the project now? Is it delayed?**

- The Government believes this project is in the national interest and is working with the private sector to ensure this project of national importance is completed in a timely manner.

**7. Do you expect the costs of construction to be higher now?**

- We have negotiated a fair price for the company's core assets, which will allow us to get the project built in a way that will deliver short-term and long-term benefits to Canadians.
- We are offering a fair deal to shareholders who have been facing uncertainty.
- In negotiating with Kinder Morgan, our first priority was to secure the summer construction season, so that the families that are counting on work this summer won't have that uncertainty hanging over their heads.

### **Governments' acquisition of pipeline**

**8. How much is the government paying for the pipeline?**

- An offer of \$4.5 billion (subject to closing adjustments) is currently before Kinder Morgan shareholders. Due to commercial considerations I am not prepared to go into details, however I can say that we believe that we have arrived at a fair price.

**9. Can you clarify what businesses Canada is purchasing?**

- Canada will be purchasing the Trans Mountain Expansion Project and related existing pipeline and terminal assets.

**10. Last week you were clear that this would not cost tax payers. Now you're telling us it will cost \$4.5 billion to acquire. How much will it end up costing?**

- This investment represents a fair price for Canadians and for shareholders of the company, and will allow the project to proceed under the ownership of a Crown corporation. The core assets required to build the Trans Mountain Expansion Project have significant commercial value, and this transaction represents a sound investment opportunity. This transaction has the potential for a return on investment for Canadians. This project will also contribute significantly to the Canadian economy both during construction and when in service.

**11. Have you had discussions with buyers?**

- We would prefer to sell the project. As a commercial enterprise, it would be appropriate for the project to be owned and operated by a commercial operator.
- Canada will purchase the Trans Mountain Expansion Pipeline and related pipeline and terminal assets and existing Kinder Morgan personnel and management would continue to manage the construction of the project.
- Canada will guarantee financing of the 2018 construction season to ensure that construction work on the Trans Mountain Expansion Pipeline continues prior to the transaction closing.
- Canada will market the Trans Mountain Expansion Pipeline and related assets to potential third party purchasers.

- We are prepared to construct the project and operate the assets as a crown entity if we cannot reach a sale that protects the interests of taxpayers.

**12. What happens if you do not find a buyer?**

- We think plenty of investors will be interested in taking on this project, especially knowing that the federal government believes it's in the best interests of Canadians and is willing to provide indemnity to make sure it gets done
- We would prefer to sell the project. As a commercial enterprise, it would be appropriate for the project to be owned and operated by a commercial operator.
- However, we are prepared to construct the project and operate the assets as a crown entity if we cannot reach a sale that protects the interests of taxpayers.

**13. Who will hold the assets?**

- Assets will be held by a Crown corporation, similar to the Government's acquisition of General Motors Shares.
  - In 2009 the Government entered into agreement with Ontario to provide financial assistance to the automotive sector. The Government of Canada, through Canada GEN Investment Corporation, acquired common and preferred shares in a restructured GM. By 2015, the Government of Canada had sold the entirety of its shares in GM.

**14. Will you consider selling to a First Nation?**

- Yes, we would consider selling to First Nations or any other buyer who wishes to make us an attractive commercial offer

**15. How much could this cost Canadians if the indemnity is used? Or if Canada constructs the project?**

- The indemnity has been put in place to protect the operator from unusual risks outside those typically experience by an operator, in particular, delays caused by unreasonable political actions.
- The operator would continue to face all typical business risks associated with a project of this nature.
- We are willing to cover financial losses caused by these political actions.

- This simply removes the abnormal political risk associated with this project.
- We are very confident on our jurisdiction. However, if the private sector is unable to undertake this project, we're prepared to do so, in the best interests of Canadians.
- We believe this is a strong, commercially viable project.

**16. Would the Canada Infrastructure Bank (CIB) consider taking on this project?**

**If yes, how is that consistent with what you told us last year – that the CIB would not take on Crown Projects?**

- The Canada Infrastructure Bank has been put in place to provide innovative ways to support new infrastructure projects.
- It operates at arms-length from the Government.
- The Infrastructure Bank is not expected to focus on fully commercial projects where the main obstacle is political risks caused by opposition from another level of government.

**17. What is the current share price? What price per share are you paying?**

- Kinder Morgan Limited's share price at market closing on May 28th was CDN \$16.59.
- The Government is not offering to purchase all of Kinder Morgan Limited.
- The proposed purchase price is for the existing Trans Mountain pipeline, and assets related to the expansion.
- The Government has offered a fair price, reached on commercially reasonable terms.
- The offer is currently before Kinder Morgan shareholders.

**18. Are you purchasing all of Kinder Morgan Canada's assets?**

- The Government's priority is to ensure that the Trans Mountain Expansion Project is constructed and enters into service.
- For this reason, the Government has offered to purchase only the Trans Mountain Expansion Project and related pipeline and terminal assets.

**19. What if you don't find another buyer now or even later?**

- We believe this is a strong, commercially viable project.
- We think plenty of investors would be interested in taking on this project, especially knowing that the federal government believes it's in the best interests of Canadians and is willing to provide indemnity to make sure it gets done.
- We would prefer for the project to remain within the private sector. As a commercial enterprise, it would be appropriate for the project to be owned and operated by a commercial operator.
- That being said, we are prepared to construct the project and operate the assets as a crown entity if we cannot reach a sale that protects the interests of taxpayers.

### **Indemnity**

#### **20. Can you elaborate more on how the provision of indemnity would work?**

- To ensure the Project continues to move forward, the Government of Canada has agreed to provide funding for the 2018 construction season through loans and/or loan guarantees.
- It is expected that the funding will support a variety of activities required to construct the Project, including the work to acquire needed permits, finalize aspects of design, complete construction contracts, and clear land as needed.
- Any purchaser of the Project would be covered by a federal indemnity protecting them against any financial loss posed by politically motivated unnecessary delays, in line with the indemnity offered to Kinder Morgan by the Government on May 16, 2018.
- Canada would provide the new project proponent with an offer to support the Trans Mountain Expansion Project (the Expansion), whereby Canada would:
  - Indemnify the proponent for additional costs caused by the discriminatory and unjustified actions of a province or municipality in an attempt to delay or obstruct the Expansion.
  - Indemnify the proponent for future costs and a reasonable return if the proponent abandons the Expansion in the future because of either:
    - a) a final adverse judicial decision is made in respect of the federal jurisdiction over the Expansion that would have a catastrophic impact on the Expansion; or
    - b) Despite commercially reasonable efforts, the proponent cannot complete the Expansion by a predetermined date.
  - If either of these two events occur, Canada has the option to re-purchase the Expansion and the existing pipelines prior to the proponent abandoning the Expansion.

- In addition to the financial support, Canada would provide full cooperation and support to the new proponent, including taking steps to deal with unreasonable provincial and municipal permit delays.
- The indemnity would be conditional on the proponent committing to use commercially reasonable efforts to complete the project by a predetermined date.

**21. What kind of costs is Alberta contributing to this? How is this triggered?**

- We are working very closely in partnership with the Government of Alberta.
- Canada and Alberta have reached an agreement to share in an indemnity for the project relating to the costs for construction.
- Under the agreement, Alberta would be responsible for contributing up to \$2.0 billion dollars towards this indemnity.
- In return Alberta will receive value commensurate with the contributions they make.

**22. On the indemnity, how much are you willing to pay? If a new owner takes on the project and BC wins could the exposure be in the billions? Potentially as much as \$7 billion?**

- I know you want to hear a specific dollar amount.
- I know that you may feel I am avoiding the question in not providing a specified dollar amount. The answer is not that simple.
- Remember, this is a project for which Kinder Morgan has suspended all non-essential work. The result of the agreement announced today is that work on the project will be restarted this week.
- The work involves firming up construction contracts and the purchase of lead items for construction over coming months.
- Some of the costs of this work, based on Kinder Morgan's arrangements with shippers, will be factored into the tolls that are charged. Other costs will be borne by the company. This makes the exact calculation of financial exposure unknowable at this time.



- The agreement with Kinder Morgan also includes conditions that provide security to the Government of Canada in certain circumstances, that will help protect the financial interests of Canadians.
- The Government has also secured an agreement with the Alberta government that under certain circumstances further protects the financial interests of Canadians.
- The terms of the agreement with Kinder Morgan and Alberta are commercially sensitive and will be part of the negotiations that the Government will lead to secure a new owner for the project. I cannot release the terms while we are in negotiations.

**If Pressed Further:**

- The Government's indemnity has been put in place to protect a company constructing the project from unusual risks outside those typically experienced on commercial projects in Canada, in particular, delays caused by political actions.
- The Government and Alberta have also reached an agreement to enhance the indemnity.
- The project owner would continue to face all typical business risks associated with a project of this nature.
- Premier Horgan's actions continue to cause uncertainty for the project. I am not willing to speculate about the actions he may take and its impact on the Project's construction.
- The federal Government will stand behind this project in the national interest with a financial indemnity and in doing so, will ensure that any support is on a financially sound basis, and fair to all Canadians.

**Supplemental**

- This is a commercially viable project. The Government has confidence that this is a commercially viable project.
- This conclusion follows weeks of diligence by the Government's financial, legal, and engineering team, including experts in the pipeline industry in Canada. In this work, the team has worked closely with Kinder Morgan and has had access to the company's commercially sensitive information.

## **Investment Climate**

### **23. How can you say Canada is open for investment if such action is required to support a project?**

- Canada is a great place to invest. Canada leads the G7 in economic growth, we have the lowest unemployment rate in 40 years and business investment is recovering. But we need to ensure projects like this, ones that have been reviewed and approved, get built.
- Kinder Morgan has been pursuing the pipeline project, on a commercial basis, for a number of years.
- They have worked to obtain all necessary approvals and permits required to proceed with the project and have done so diligently and in accordance with Canadian law.
- No company can take on a dispute between governments and that is why the federal government is stepping in – it is necessary to ensure the rule of law and to ensure investors know the federal government will do what needs to be done to ensure projects have greater certainty in the regulatory approvals process.

### **24. Is the Government willing to extend similar treatment to other major energy infrastructure projects in Canada?**

- We believe the unprecedented political actions intended to delay or obstruct the project create a level of uncertainty for the project proponent.
- This project is in the national interest for Canadians and we believe Canada is the proper party to bear these risks, given the national significance of this project.
- Any future project would be assessed on a case-by-case basis.

### **25. Has Kinder Morgan acted responsibly?**

- Kinder Morgan has been pursuing the pipeline project, on a commercial basis, for a number of years.
- They have worked to obtain all necessary approvals and permits required to proceed with the project.
- And we have worked side-by-side and consulted 117 potentially impacted Indigenous rights holders, marking the deepest federal consultation ever undertaken on a major project.

- Kinder Morgan has gained significant First Nation support of the project -- with 42 groups signing benefits and capacity agreements.

**26. What actual actions are you taking to address the delays that Kinder Morgan continues to face; and the actions the federal government will eventually face as owner of the project?**

- For many months now the federal government has taken a whole of government approach to ensure this project moves forward including dedicated task teams to accelerate permitting, advance investments in the Oceans Protection Plan, and address all remaining judicial and jurisdictional issues. We are committed to get this project completed.

**27. Have you done an economic analysis such that this project pays off no matter what the price of oil is? You have stated that Canada should not be using fossil fuels by 2050? How is this pipeline consistent with this vision?**

- Extensive due diligence has been undertaken to ensure value for money for Canadians.
- This project will contribute significantly to the Canadian economy both during construction and when in service.
- For example, there will be 15,000 direct jobs at peak construction.
- Canada's production is currently bottlenecked on rail lines and existing pipelines. Once the Trans Mountain Expansion is up and running, it will give Canadian oil a safe and efficient route to world markets, including providing access to growing Asian markets. With the expansion, producers will have greater opportunity to seek the best price for their product.

### **What comes next**

#### **28. What are the next steps you are taking on ensuring the pipeline gets built?**

- Canada will purchase the Trans Mountain Expansion Pipeline and related pipeline and terminal assets and existing Kinder Morgan personnel and management would continue to manage the construction of the project.
- Canada will guarantee financing of the 2018 construction season to ensure that construction work on the Trans Mountain Expansion Pipeline continues prior to the transaction closing.
- We would prefer to sell the project. As a commercial enterprise, it would be appropriate for the project to be owned and operated by a commercial operator.
- Canada will market the Trans Mountain Expansion Pipeline and related assets to potential third party purchasers.
- We are prepared to construct the project and operate the assets as a crown entity if we cannot reach a sale that protects the interests of taxpayers.

#### **29. When will we know if construction will continue in 2018?**

- As part of the agreement the Government will provide a financial guarantee to ensure construction can continue in 2018.

#### **30. What is the drop dead date for this year's construction season?**

- The Government is prepared to financially indemnify the project developer from the specific unprecedented risks introduced by Premier Horgan.
- As part of this agreement, construction will resume soon.

#### **31. Is the 2020 completion date still valid? How much has the completion date slipped because of all of this?**

- The Government is prepared to financially indemnify the project developer from the specific unprecedented risks introduced by Premier Horgan.
- As announced, the 2018 construction season will proceed as a result of the agreement.
- If pressed: We are currently working to firm up construction contracts and ascertain the impact of the delays introduced by the BC government.

### **British Columbia**

**32. Have you held negotiations with Premier Horgan to seek BC's support for the project?**

- We continue to keep the lines of communication open with Premier Horgan.

**33. What measures will the federal government contemplate with respect to B.C.'s judicial and legislative actions?**

- The British Columbia Court of Appeal issued a formal direction inviting all persons who wish to participate in the reference to file a letter with the Court by May 31, 2018.
- The federal government has announced that it will intervene in the reference brought by the Province of British Columbia with respect to the constitutionality of its draft environmental protection legislation and it has filed its letter with the Court.

**34. Will the federal government reduce transfers to B.C. if the province continues to prevent this project from going ahead?**

- No. I'm confident that with the Government's support, the pipeline expansion will get built.

**35. You speak about the importance of the rule of law. Are you implying Premier Horgan's actions are illegal? Has the Government considered legal remedies?**

- Premier Horgan has submitted questions concerning its draft environmental protection legislation to the highest court in British Columbia.
- The Court will opine on whether the draft legislation is within the legislative authority of the Province of British Columbia.
- The federal government has announced that it will intervene in order to defend its clear jurisdiction over interprovincial pipelines.

## **Alberta**

### **36. What have been your interactions with Premier Notley?**

- We continue to engage productively with Alberta as we move forward on the project.
- We are particularly appreciative of the leadership shown by Premier Notley, who has been a tireless advocate for this project and for the people of Alberta.

### **37. Are you favouring the interests of Alberta over the interests of B.C.?**

- B.C. and Alberta are not opponents, they are neighbours, they are fellow countrymen and women who want the best for themselves and for each other.  
[from April 15<sup>th</sup> PM meeting]
- We are looking out for all Canadians. As I said earlier, this one pipeline project alone would create 15,000 direct and indirect jobs – that's good news for Canadian workers, their families and their communities.
- By getting this project done, governments across Canada would have more to invest in the vital services Canadians depends on to get ahead.

### **38. Rachel Notley is threatening to cut off BC from Alberta gas, will your government intervene on this action?**

- We are committed to working with all our partners to make sure the pipeline project gets built.
- I don't think it is helpful to speculate about how the provinces are handling their differing views.

### **39. Are you so desperate to get Rachel Notley re-elected that you will spend taxpayer money to help her?**

- This project is in the national interest. We are doing this for Canada, not for Alberta alone.

## **First Nations**

### **40. Are you picking sides between First Nations who support and oppose the project?**

- Indigenous groups are important stakeholders to the project and 42 groups have showed their support for the Trans Mountain Expansion project by signing benefits and capacity agreements with the proponent.
- The Government is committed to advancing reconciliation with Indigenous peoples through a renewed nation-to-nation and government-to-government relationship based on respect, co-operation, and partnership.

### **41. Several directly impacted First Nations communities have been strongly opposed to this project. Does this decision contradict your government's commitment to a renewed relationship, and to the UN Declaration on the Rights of Indigenous Peoples?**

- The Government consulted 117 potentially impacted Indigenous rights holders, marking the deepest federal consultation ever undertaken on a major project.
- For the first time, the results of the Indigenous consultations are transparently and publicly available.
- Overall, Indigenous communities have shown their support for the Trans Mountain Expansion project – with 42 groups signing benefits and capacity agreements with the proponent.

### **42. Not all of Kinder Morgan's agreements with First Nations communities have been finalized. Will the Government purchase cause possible delays caused by negotiations with First Nations?**

- We are willing to indemnify the expansion project proponent for future costs caused by the discriminatory actions of a province.

### **43. If First Nations communities take on partial ownership of the pipeline, will your Government continue to indemnify delays?**

- I won't go into hypotheticals. All I can say is we will work with the long term owner of the pipeline and expansion to see it to completion.

**44. What will you do if the Government of Canada loses its court case against Indigenous communities?**

- I am not going to comment on matters that are currently before the courts.



### **Constitutional/Inter-provincial**

#### **46. What sort of precedent does this set for Provincial jurisdiction over federal projects?**

- The federal government has jurisdiction over interprovincial works and undertakings.
- Provincial legislatures have jurisdiction to enact laws of general application that may apply to interprovincial works and undertakings but these cannot impair a vital aspect of an interprovincial undertaking and provincial laws that conflict with federal laws related to interprovincial undertakings are inoperative.

#### **47. Does the recent Supreme Court decision regarding inter-provincial trade in beer have any relevance here?**

- Nothing in the *Comeau* case changes the federal government's position that it has jurisdiction over the pipeline and that provinces cannot stop the pipeline from being built.

#### **48. What is the future of cooperative federalism?**

- We are ensuring that a project that is in the national interest will get built.
- The previous B.C. Government approved the Trans Mountain Expansion Project, as did Alberta.
- Federal and provincial governments, and Indigenous communities, are longstanding partners in natural resource development – all working to provide Canadians with new economic opportunities, stronger environmental protections and healthier communities.

## **Other**

### **49. How does this align with Canada's G20 commitment to eliminate subsidies to the oil & gas sector?**

- With this agreement and cooperation with the government of Alberta, Canada is well positioned to attract new owners without offering a subsidy
- Our view is that the rule of law needs to be respected, and that the project investors should be financially protected when this does not occur.

### **50. You are now being sued for inaction on the threatened Southern Resident Killer Whale. How does that factor into the plan now and what are you doing to protect them?**

- In 2017 our government made an historic investment of \$1.5 billion into an Oceans Protection Plan to bring the world's leading spill response capabilities to the BC coast, including mandatory tow capacity, emergency response teams all up and down the coast, new science, new satellite monitoring, and strong new rules on protecting endangered species like the orcas.
- Budget 2018 committed \$167 million to better protect, preserve and recover endangered whale species in Canada, including the Southern Resident Killer Whale.
- We are committed to protecting our environment.

### **51. What is the state of judicial reviews?**

#### ***Judicial Review***

- There are ongoing litigation proceedings with respect to the Trans Mountain Expansion project, including a judicial review of the federal approval.
- After hearing arguments in October 2017, the Federal Court of Appeal reserved its judgement on the federal approval.
- We expect a ruling will be made this spring.

#### ***Reference to the Supreme Court***

- As you know, B.C. submitted its reference question to the Court of Appeal on April 26, in hopes of determining whether the provincial government has jurisdiction to restrict the flow of oil through the province.

- We are confident in Parliament's jurisdiction and will intervene on the question in order to defend our clear jurisdiction over pipelines.

**52. Have you done a climate risk analysis? Have you done a GBA+?**

- The Trans Mountain Expansion project was subject to a strengthened federal review of major projects under the Canadian Environmental Assessment Act 2012 and the National Energy Board Act which required committing to more Indigenous and public consultations, considering climate change impacts, and incorporating stronger science and Indigenous traditional knowledge.
- This assessed the projects' direct and upstream greenhouse gas emissions.
- A gender based analysis plus assessment has also been completed that examined the impacts and benefits of the project for women, men and Indigenous Canadians. A change in ownership does not alter the analysis or outcomes.

## Galka, Stephanie

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**From:** Zoubek, Peter (FIN) <peter.zoubek@canada.ca>  
**Sent:** May-29-18 9:32 AM  
**To:** Aung-Thin, Pamela (FIN); Johnson, Mollie (NRCAN/RNCAN)  
**Cc:** Vaillancourt, Danica (NRCAN/RNCAN); Joannis, Micheline (NRCAN/RNCAN); Arcand, Ingrid (NRCAN/RNCAN)  
**Subject:** RE: Announcement  
**Attachments:** BG-final-e.pdf; BG-final-f.pdf; NR-final-e.pdf; NR-final-f.pdf; Remarks-final-e.pdf; Remarks-final-f.pdf; Key Messages\_May 29-final-e.pdf; Key Messages\_May 29-final-f.pdf

Good morning Mollie, as requested, attached are the PDF documents for today Trans Mountain announcement. Peter

**From:** Aung-Thin, Pamela (FIN)  
**Sent:** May-29-18 9:25 AM  
**To:** Johnson, Mollie (NRCAN/RNCAN) <mollie.johnson@canada.ca>; Zoubek, Peter (FIN) <peter.zoubek@canada.ca>  
**Cc:** Vaillancourt, Danica (NRCAN/RNCAN) <danica.vaillancourt@canada.ca>; Joannis, Micheline (NRCAN/RNCAN) <micheline.joannis@canada.ca>; Arcand, Ingrid (NRCAN/RNCAN) <ingrid.arcand@canada.ca>  
**Subject:** Re: Announcement

Yes, no problem Molly. I'm at the NPT now and my cell coverage is very weak but I've copied Peter Zoubek who will share.

Pam

Sent from my BlackBerry 10 smartphone on the Rogers network.

**From:** Johnson, Mollie (NRCAN/RNCAN)  
**Sent:** Tuesday, May 29, 2018 9:16 AM  
**To:** Aung-Thin, Pamela (FIN)  
**Cc:** Vaillancourt, Danica (NRCAN/RNCAN); Joannis, Micheline (NRCAN/RNCAN); Arcand, Ingrid (NRCAN/RNCAN)  
**Subject:** Announcement

Hi there,

Do you have the kit that went to the media this morning? If so, would you mind flipping it over?

Many thanks,  
Mollie

Sent from my BlackBerry 10 smartphone on the Rogers network.

## Details of Agreement for the Completion of the Trans Mountain Expansion Project

### Agreement in Principle Reached to Restart Construction in 2018 and Ensure Completion of the Trans Mountain Expansion

The Trans Mountain Expansion Project will create thousands of good, middle-class jobs, including in Indigenous communities; will enable more Canadian resources to reach international markets; and thanks to Canada's world-class Oceans Protection Plan, is a project that can be built while protecting Canada's coasts and waterways.

To ensure its timely completion, the Government of Canada has reached an agreement with Kinder Morgan to immediately restart construction on the Trans Mountain Expansion Project. The Government of Canada will guarantee financing for the 2018 summer construction season, through a loan guarantee from Export Development Canada. This guarantee will ensure that construction work on the project is restarted without delay.

In addition, the Government of Canada has reached an agreement with Kinder Morgan to purchase the company's Trans Mountain Expansion Project and related pipeline and terminal assets for \$4.5 billion. The transaction is expected to close in August 2018.

This investment represents a fair price for Canadians and for shareholders of the company, and will allow the project to proceed under the ownership of a Crown corporation. The core assets required to build the Trans Mountain Expansion Project have significant commercial value, and this transaction represents a sound investment opportunity.

It is not, however, the intention of the Government of Canada to be a long-term owner of this project. At the appropriate time, Canada will work with investors to transfer the project and related assets to a new owner or owners, in a way that ensures the project's construction and operation will proceed in a manner that protects the public interest. Many investors have already expressed interest in the project, including Indigenous groups, Canadian pension funds and others.

Any purchaser of the project would be covered by a federal indemnity protecting them against any financial loss posed by politically motivated unnecessary delays, in line with the indemnity offered to Kinder Morgan by the Government on May 16, 2018.



The Government of Alberta will also contribute to get the project built. Alberta's contribution would act as an emergency fund and would only come into play if required due to unforeseen circumstances. The amount of Alberta's contribution could range from zero to a maximum of \$2 billion. In return, Alberta will receive value commensurate to their contribution, through equity or profit sharing.

Existing profit sharing or other agreements established between Kinder Morgan and Indigenous groups would be maintained under these transactions.

## **Background**

The Trans Mountain Expansion Project was originally proposed as a way to deliver more Canadian oil resources to international markets. Twinning the existing Trans Mountain oil pipeline and expanding the Westridge Marine Terminal would increase the capacity of North America's only pipeline with access to the West Coast, and allow producers to receive a better price for their products. The original Trans Mountain Pipeline was built in 1953 and continues to operate safely today.

On November 29, 2016, the Government of Canada granted approval for the Trans Mountain Expansion Project. Earlier, on May 19, 2016, following a 29-month review, the National Energy Board concluded that the project is in the Canadian public interest and recommended the federal Governor in Council approve the expansion, which it did. In addition, the British Columbia Environmental Assessment Office issued an environmental assessment certificate, allowing the Trans Mountain Expansion Project to proceed.

Kinder Morgan Inc., owner of the Trans Mountain Pipeline and the Trans Mountain Expansion Project, had been advancing the pipeline project, on a commercial basis, for several years. The company had worked diligently to obtain all the necessary approvals and permits required to proceed with the project and has done so in full accordance with Canadian law.

However, unnecessary and politically motivated delays created a level of uncertainty around the project's future, so much so that Kinder Morgan felt unable to proceed as planned, and in April 2018 decided to suspend all non-essential spending on the project.

Given the significant benefits that the project's completion would offer to all Canadians, and to secure its timely completion, the Government of Canada agreed to purchase Kinder Morgan Inc.'s Trans Mountain Expansion Project and related pipeline and terminal assets. The project will be built in a timely and commercially viable manner.

The Government of Canada is confident that, with this agreement, it is upholding the trust Canadians have placed in the Government to both grow the economy and protect the environment. This project is made possible because of Canada's world-leading Oceans Protection Plan, extensive and ongoing consultations with Indigenous communities, strengthened environmental standards, and a rigorous approvals process.

## **Guarantee of 2018 Construction Season**

To ensure the project continues to move forward, the Government of Canada has agreed to provide funding for the 2018 construction season through loan guarantees.

It is expected that the funding will support a variety of activities required to construct the project, including the work to acquire needed permits, finalize aspects of design, complete construction contracts, and clear land as needed.

## **Indemnity**

Canada would provide the new project proponent with an offer to support the Trans Mountain Expansion Project (the Expansion), whereby Canada would:

- Indemnify the proponent for additional costs caused by the discriminatory and unjustified actions of a province or municipality in an attempt to delay or obstruct the Expansion.
- Indemnify the proponent for future costs and a reasonable return if the proponent abandons the Expansion in the future because of either:
  - a final adverse judicial decision is made in respect of the federal jurisdiction over the Expansion that would have a catastrophic impact on the Expansion; or
  - despite commercially reasonable efforts, the proponent cannot complete the Expansion by a predetermined date.
- If either of these two events occur, Canada has the option to re-purchase the Expansion and the existing pipelines prior to the proponent abandoning the Expansion.

In addition to the financial support, Canada would provide full cooperation and support to the new proponent, including taking steps to deal with unreasonable provincial and municipal permit delays.

The indemnity would be conditional on the proponent committing to use commercially reasonable efforts to complete the project by a predetermined date.

## **Agreement Reached to Create and Protect Jobs, Build Trans Mountain Expansion Project**

May 29, 2018

Ottawa, Ontario

Department of Finance Canada

The Government of Canada is committed to making investments that create good, well-paying jobs that help strengthen and grow the middle class; that help get Canada's resources to world markets; and that deliver economic benefits for all Canadians now, and for years to come.

Finance Minister Bill Morneau and Natural Resources Minister Jim Carr today announced that the Government of Canada has reached a commercial agreement with Kinder Morgan in order to secure the timely completion of the Trans Mountain Expansion Project.

The agreement will guarantee the resumption of work for the summer construction season, protecting thousands of jobs in Alberta and British Columbia. Federal loan guarantees will ensure that construction continues through the 2018 season, eliminating the uncertainty for families whose financial security relies on this project going ahead this year.

In addition, the Government of Canada has reached an agreement with Kinder Morgan to purchase the company's Trans Mountain Expansion Project and related pipeline and terminal assets for \$4.5 billion. The transaction is expected to close in August 2018.

This investment represents a fair price for Canadians and for shareholders of the company, and will allow the project to proceed under the ownership of a Crown corporation. The core assets required to build the Trans Mountain Expansion Project have significant commercial value, and this transaction represents a sound investment opportunity.

It is not, however, the intention of the Government of Canada to be a long-term owner of this project. At the appropriate time, Canada will work with investors to transfer the project and related assets to a new owner or owners, in a way that ensures the project's construction and operation will proceed in a manner that protects the public interest.

The Government will extend federal indemnity to protect any prospective new owner from costs associated with politically motivated delays. The province of Alberta will also contribute to get the project built. Alberta's contribution would act as an emergency fund and would only come into play if required due to unforeseen circumstances. In return, Alberta will receive value commensurate to their contribution, through equity or profit-sharing.

Taking action now to ensure completion of the Trans Mountain Expansion Project will deliver long-term economic benefits to Canadians – protecting jobs, ensuring that Canada's resources can get to world markets safely and efficiently, and preserving Canada's reputation as a good place to do business.



Department of Finance  
Canada

Ministère des Finances  
Canada

**Canada**



## **Quote**

“Our government believes that the commercial agreement we have reached with Kinder Morgan is the best way to protect thousands of good, well-paying jobs while delivering a solid return on investment for Canadians. This is an investment in Canada’s future.”

- *The Honourable Bill Morneau, Minister of Finance*

“Today’s agreement will help advance Canada as an energy leader, as a place where good projects get built. This is yet another step in building an energy future with Canadians where the environment and economy go hand-in-hand.”

- *The Honourable Jim Carr, Minister of Natural Resources*

## **Quick Facts**

- The Trans Mountain Expansion Project involves building a new pipeline along the existing Trans Mountain Pipeline running from Edmonton, Alberta to Burnaby, British Columbia, and expanding the capacity of the terminal in Burnaby.
- This expansion will increase daily capacity from 300,000 to 890,000 barrels, while improving market access to the US Pacific Coast and Northeast Asia.
- In the course of the federal review of the project, the Government consulted 117 potentially affected Indigenous rights holders for four additional months, marking the deepest federal consultations ever done on a major project.

## **Associated Link**

- Background: Details of Agreement for the Completion of the Trans Mountain Expansion Project

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**Check against delivery**

## **Agreement Reached to Create and Protect Jobs, Build Trans Mountain Expansion Project**

May 29, 2018

Thank you, for being here this morning.

As you have heard me say before, and as the Prime Minister has also said, the Trans Mountain Expansion Project is of vital interest to Canada, and to Canadians.

Our government's position is clear. TMX is in the national interest.

Getting the Trans Mountain Expansion Project built will preserve thousands of good, well-paying jobs – the kind of jobs that will strengthen and grow the middle class.

It will ensure that we are able to safely get Canadian oil resources to world markets, where we can get a fair price for them.

And it will reassure investors that Canada is a country that respects the rule of law and that gets big, important things done.

It's important to remember, though, that Canada is also a place where we understand that the environment and the economy go hand-in-hand.

The Trans Mountain Expansion Project is no exception.

Our world-leading Oceans Protection Plan, the extensive and ongoing consultations with Indigenous communities, the strengthened environmental standards, and the rigour of the approvals process... all of these factored into the decision our government is announcing today.

So too did the understanding that division among provinces – such as the dispute that has arisen between Alberta and BC – cannot be allowed to fester.

Especially not when the resulting impasse threatens both the livelihood of thousands of workers and Canada's solid reputation as a good place to invest.

And so, for the last few weeks I have been in intense negotiations with Kinder Morgan, Trans Mountain's owner.



These discussions became necessary when the political uncertainty in British Columbia made it difficult for the company to proceed with construction.

The uncertainty caused unnecessary delays, put thousands of jobs at risk – including up to 9,000 jobs in BC – and is holding back Canada's economic growth.

And this is all happening after the Trans Mountain Expansion Project was approved by both the federal government and the province of British Columbia, following the most rigorous process and environmental assessment in this country's history.

So our message today is simple: when we are faced with an exceptional situation that puts jobs at risk, that puts our international reputation on the line, our government is prepared to take action.

To guarantee the summer construction season for the workers who are counting on it, and to ensure the project is built to completion in a timely fashion, the federal government has reached an agreement with Kinder Morgan to purchase the existing Trans Mountain pipeline, and infrastructure related to the Trans Mountain Expansion Project.

The agreement, which is expected to close this August, was approved by Cabinet this morning and is now subject to approval by Kinder Morgan shareholders.

This \$4.5 billion investment represents a fair price for Canadians and for shareholders of the company, and will allow the project to proceed under the ownership of a Crown corporation.

The core assets required to build the Trans Mountain Expansion Project have significant commercial value, and this transaction represents a sound investment opportunity.

That's why we chose not to provide a subsidy to Kinder Morgan, but rather to enter into a commercial agreement that will make the most of the economic potential of this project.

It's an agreement that we believe will deliver a real return on investment – for the benefit of British Columbians, Albertans, and all Canadians.

It is not, however, the intention of the Government of Canada to be long-term owner of this project.

At the appropriate time, Canada will work with investors to transfer the project and related assets to a new owner or owners, in a way that ensures the project's construction and operation will proceed in a manner that protects the public interest.

For Indigenous groups, we will make sure that existing profit sharing or other agreements established with Kinder Morgan remain in effect.

Many investors have already expressed interest in the project, including Indigenous groups, Canadian pension funds, and others.

To facilitate the transfer of ownership, we will extend the federal indemnity to protect any new owner from costs associated with politically motivated delays. The Province of Alberta will also support the project, providing an emergency fund for any unforeseen costs, if needed. In return, Alberta will receive value commensurate to their contribution.

We believe this is the best way to protect thousands of good, well-paying jobs, and the safest and most effective way get our natural resources to world markets.

Make no mistake: this is an investment in Canada's future.

To investors who are considering Canada as a place to build big, important, transformational projects like the Trans Mountain Expansion – know that you have a partner in Ottawa.

One who not only respects the rule of law, but who understands the challenges you're up against, and who will work with you to find solutions that work for everyone.

That's exactly what we did in this case.

And as a result, the Trans Mountain Expansion Project will be built.

Minister Carr will now say a few words about the next steps, and how we intend to move this project forward.

Thank you.

### **Key Messages – Trans Mountain Expansion**

- The Trans Mountain Expansion Project is in Canada's national interest.
- It means thousands of good, well-paying jobs for hard-working Canadians. The kind of jobs that strengthen and grow the middle class.
- This is a country where it is possible to protect the environment and grow the economy at the same time.
- The Trans Mountain Expansion Project was approved by both the federal government and the province of British Columbia, following the most rigorous process and environmental assessment in Canadian history. It was approved, and now it needs to be built.
- Today, we are announcing that the Government of Canada has reached an agreement with Kinder Morgan that will get the Trans Mountain Expansion built, guarantee the summer construction season, and protect up to 15,000 good, well-paying jobs – including 9,000 jobs in British Columbia.
- In addition, the Government of Canada has reached an agreement with Kinder Morgan Inc. to purchase the company's Trans Mountain Expansion Project and related pipeline and terminal assets for \$4.5 billion.
- We are able to pursue this project with confidence, because we know that we are upholding the trust Canadians have placed in us to both grow our economy and protect our environment.
- This investment represents a fair price for Canadians and for shareholders of the company. The core assets required to build the Trans Mountain Expansion Project have significant commercial value, and this transaction represents a sound investment opportunity.
- Construction can proceed under the agreement reached between Canada and Kinder Morgan. It is not, however, the intention of the Government of Canada to be long-term owners of this project. Canada will work with investors to transfer the project and related assets to a new owner – or owners – in a way that ensures the project's construction and operation will proceed in a manner that protects the public interest.
- Make no mistake, this is an investment in Canada's future.

## Winfield, Nicholas

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**From:** Marquis, Hélène  
**Sent:** Wednesday, May 30, 2018 5:56 PM  
**To:** Winfield, Nicholas; Gordanier, Tania  
**Cc:** Crance, Colin  
**Subject:** TR: TMX Non-compliance

FYI

**De :** Richter, Julie  
**Envoyé :** 30 mai 2018 17:51  
**À :** Marquis, Hélène <Helene.Marquis@dfo-mpo.gc.ca>  
**Objet :** FW: TMX Non-compliance

info

**From:** Jarjour, Jasmine  
**Sent:** May-30-18 5:50 PM  
**To:** Richter, Julie  
**Subject:** RE: TMX Non-compliance

Thx Julie. Catherine has reviewed and this has also been sent to MINO.

**From:** Richter, Julie  
**Sent:** May-30-18 4:58 PM  
**To:** Jarjour, Jasmine  
**Cc:** Kahn, Zoe  
**Subject:** TMX Non-compliance  
**Importance:** High

Hi Jaz,

Please find attached an overview of the TMX non-compliance issue, for sharing with the DM and MINO.

Julie

**Julie Richter**  
Senior Advisor to the ADM, Aquatic Ecosystems  
Conseillère principale auprès du SMA, Écosystèmes aquatiques  
Fisheries and Oceans Canada | Pêches et Océans Canada  
613-990-5393

*I encourage you to reply to this e-mail in the official language of your choice.  
Je vous encourage à répondre à ce courriel dans la langue officielle de votre choix.*

**Schwark, Valerie**

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**From:** Webb, Cheryl  
**Sent:** May-30-18 1:25 PM  
**To:** Reid, Rebecca  
**Cc:** Johal, Sharan; Sandgathe, Tracey L  
**Subject:** Re: TMX Non-compliance Update

Kinder Morgan is not longer out of compliance with this requirement (and other identified issues). This is a older non-compliance issue, identified through looking at their construction monitoring report. Tracey and her group have had ongoing discussions with KM on all these issues. The formal action is to issue the warning letter citing the non-compliance.

Under the Authorization they are required to advise DFO of incidents of non-compliance, which they have not been doing. We are finding out through combing through report, so this is an important point for these discussions.

Copying Tracey, in case she has anything to add, as I have not had a chance to speak with her today.

Cheryl

Sent from my BlackBerry 10 smartphone on the Rogers network.

**From:** Reid, Rebecca  
**Sent:** Wednesday, May 30, 2018 12:56 PM  
**To:** Webb, Cheryl  
**Cc:** Johal, Sharan  
**Subject:** RE: TMX Non-compliance Update

Hi Cheryl – thanks for the heads up. What corrective action are we following to address this concern?

Rebecca.

Rebecca Reid  
Regional Director General/ Directrice générale régionale  
Fisheries and Oceans Canada - Pacific Region/ Pêches et Océans Canada - Région du Pacifique  
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E-mail/ Courriel: [rebecca.reid@dfo-mpo.gc.ca](mailto:rebecca.reid@dfo-mpo.gc.ca)

**From:** Webb, Cheryl  
**Sent:** Wednesday, May 30, 2018 12:52 PM  
**To:** Reid, Rebecca <[Rebecca.Reid@dfo-mpo.gc.ca](mailto:Rebecca.Reid@dfo-mpo.gc.ca)>  
**Cc:** Webb, Cheryl <[Cheryl.Webb@dfo-mpo.gc.ca](mailto:Cheryl.Webb@dfo-mpo.gc.ca)>; Johal, Sharan <[Sharan.Johal@dfo-mpo.gc.ca](mailto:Sharan.Johal@dfo-mpo.gc.ca)>  
**Subject:** FW: TMX Non-compliance Update  
**Importance:** High

Rebecca, subsequent to my last e-mail, we have become aware of another instance of non-compliance which will be briefed up at NHQ shortly.

- DFO has identified an additional instance of non-compliance with a condition of the Authorization issued to Trans Mountain Pipeline ULC (the Proponent) in September 2017 for expansion of the Westridge Marine Terminal in Burrard Inlet.
- The proponent has failed to ensure that impact pile driving activities do not result in exceedances of underwater sound levels beyond a threshold that could result in injury to finfish, and in the event that such exceedances occur, ensure that impact pile driving activities cease and mitigation measures are reviewed in consultation with DFO.
- DFO became aware of the noise exceedances and Trans Mountain's failure to review mitigation measures in consultation with DFO during its review of the April 2018 construction monitoring report. DFO received that report on May 22 and reviewed it shortly thereafter.
- This instance of non-compliance was discussed with the proponent's representatives during DFO's most recent site inspection on May 29. A representative of the Indigenous Caucus of the IAMC's Monitoring Sub-Committee was informed of the exceedances during the May 29 DFO site inspection.
- The next IAMC meeting is scheduled for June 4-6.
- At a minimum, the IAMC is aware of the instance of non-compliance related to the proponent's failure to share monthly construction monitoring reports with members of the IAMC. Some members of the IAMC and the Monitoring Sub-Committee may also be aware of some or all of the other instances of non-compliance.
- DFO has not formally communicated the instances of non-compliance to the IAMC but anticipates doing so at the June 4-6 IAMC meeting.

Let me know if you have any question.

Cheryl

Cheryl Webb  
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## Galka, Stephanie

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**From:** Marquis, Hélène  
**Sent:** May-30-18 4:55 PM  
**To:** Winfield, Nicholas; Morel, Philippe  
**Cc:** Richter, Julie; Gordanier, Tania  
**Subject:** TR: Washington State - TMX

PVI

**From:** Crance, Colin  
**Sent:** May 30, 2018 4:23 PM  
**To:** Gordanier, Tania  
**Cc:** Hart, Joshua  
**Subject:** Washington State - TMX

<https://www.seattletimes.com/seattle-news/inslee-calls-canada-pipeline-profoundly-damaging-fears-for-orcas-in-surprise-deal/>

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